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Administration of justice at the United Nations

Activities of the Office of the United Nations Ombudsman and Mediation Services

Report of the Secretary-General

Summary

The General Assembly, in its resolution 59/283 on administration of justice at the United Nations, having stressed the importance of the Office of the Ombudsman as a primary means of informal dispute resolution, requested the Secretary-General to submit, in the context of his annual report on the administration of justice in the Secretariat, information on the activities of the Ombudsman, including general statistical information and information on trends, and comments on policies, procedures and practices that had come to the attention of the Ombudsman.

In its resolution 62/228 on administration of justice at the United Nations, the General Assembly reiterated its decision to create a single integrated and decentralized Office of the Ombudsman for the United Nations Secretariat, funds and programmes as from 1 January 2008. The Assembly further urged the Office of the United Nations Ombudsman, the Office of the Joint Ombudsperson of the United Nations Development Programme, the United Nations Population Fund, the United Nations Children's Fund and the United Nations Office for Project Services and the Office of the Mediator (since retitled Ombudsman) of the Office of the United Nations High Commissioner for Refugees to strengthen the ongoing efforts for coordination and harmonization of standards, operating guidelines, reporting categories and databases. The present report is the first joint report for the entities covered by the integrated Office of the Ombudsman, now known as the Office of the United Nations Ombudsman and Mediation Services, and covers the period from 1 January to 31 December 2008.

* A/64/150.

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Contents

		Page
I.	Introduction	
II.	Office of the United Nations Ombudsman and Mediation Services	
	A. Ombudsman services	
	B. Mediation services	
III.	Statistical information on cases and issues	
	A. Case volume	
	B. Demographics	
	C. Types of issue	10
	D. Issues by location	1
	E. Types of services provided	1
IV.	Systemic issues	1
	A. Source and context	1
	B. Issues identified over the reporting period in the Secretariat, the funds and programmes and the Office of the United Nations High Commissioner for Refugees	1
	C. Responses to past systemic issues	2
V.	Communication and outreach	2
	A. United Nations employees	2
	B. Other stakeholders within and outside the United Nations system	2
	C. Building conflict competence	2
VI.	Future directions	2
	A. Consistency in practices and principles within the expanded decentralized structure	2
	B. Process involving all stakeholders in identifying and addressing systemic issues	2
	C. Mediation	2

I. Introduction

1. This is the fifth report of the Secretary-General to the General Assembly on the activities of the United Nations Ombudsman. In paragraph 22 of its resolution 59/283, the Assembly requested the Secretary-General to submit, in the context of his annual report on the administration of justice in the Secretariat, information on the activities of the Ombudsman, including general statistical information and information on trends, and comments on policies, procedures and practices that had come to the attention of the Ombudsman.

2. The Office of the Ombudsman has taken a number of steps to implement the new reformed informal system of justice, as set out in General Assembly resolution 62/228, including the establishment of a single integrated and decentralized office to serve the Secretariat, the United Nations funds and programmes (the United Nations Development Programme, the United Nations Population Fund, the United Nations Children's Fund and the United Nations Office for Project Services) and the Office of the United Nations High Commissioner for Refugees (UNHCR), a Mediation Division to provide formal mediation services and regional branch offices. In its resolution 63/253, the Assembly welcomed the intention of the Secretary-General to issue a joint report in 2009 for the entities covered by the integrated Office of the Ombudsman.

3. The present report is the first joint report for the entities covered by the integrated Office of the Ombudsman, called the Office of the United Nations Ombudsman and Mediation Services. The new name will be reflected in the revised terms of reference for the integrated Office, which will be promulgated in a Secretary-General's bulletin during the sixty-fourth session of the General Assembly.

4. The report is a first attempt at providing an overview of the operations of the integrated Office, including consolidated statistical information and systemic and cross-cutting issues brought to the attention of the Office, together with related recommendations. In the present report, data are presented across the entire Organization wherever common data elements were available. During 2008, the Secretariat used a case categorization schema that was different from that used by United Nations funds and programmes and UNHCR. As from 1 January 2009, the integrated Office intends to continue to migrate to a common methodology for collecting case data. The joint data collection will provide greater opportunities in future reports to analyse and compare data and identify interventions that will benefit the entire system.

5. The present report covers the operations of the integrated Office for the period from 1 January to 31 December 2008. Previously, the Secretariat, the funds and programmes and UNHCR had different reporting cycles and the United Nations Ombudsman reported to the General Assembly only on cases brought to the Office from the Secretariat. The reporting period was accordingly aligned so that a report of the Ombudsman's activities for the new consolidated office could be produced. The Office will continue to report to the Assembly and the entities covered by the integrated Office regarding its activities.[1]

[1] The previous Secretariat report is contained in document A/63/283. The Ombudsman for the funds and programmes and the Ombudsman for UNHCR issued separate annual reports for 2008.

II. Office of the United Nations Ombudsman and Mediation Services

A. Ombudsman services

6. The Office of the United Nations Ombudsman and Mediation Services was established pursuant to General Assembly resolution 62/228 to provide an impartial, independent and informal conflict resolution mechanism for the settlement of work-related problems for staff and related personnel in the Secretariat, the funds and programmes and UNHCR. The regional branch offices of the Office will be based in Bangkok, Geneva, Khartoum, Kinshasa, Nairobi, Santiago and Vienna and will provide similar services to staff and related personnel based in the various regions.

1. Working principles

7. As a strong informal pillar of the system of administration of justice, the Office of the United Nations Ombudsman and Mediation Services takes informal and collaborative approaches to resolving conflict at an early stage. The Office continues to be guided by the core principles of independence, neutrality, confidentiality and informality. An Ombudsman advocates for justice and fair, equitably administered processes, and does not advocate on behalf of any individual within the Organization. As a designated neutral party, an Ombudsman is required to maintain strict confidentiality concerning matters that are brought to his or her attention. The Office does not keep records for the United Nations or any other party and does not disclose information about individual cases or visits from staff members. The Office cannot be compelled by any United Nations organ or official to testify about concerns that are brought to its attention; nor does it conduct formal investigations or accept legal notice on behalf of the United Nations. An Ombudsman does not have decision-making powers. She or he cannot make determinant findings or judgements. She or he advises and makes informal suggestions or recommendations, as appropriate, on actions needed to settle conflicts or prevent recurrence. The Ombudsman takes into account the rights and obligations existing between the Organization and the staff member, and the equity of the situation.

2. Access to the Secretary-General

8. The United Nations Ombudsman serves as the head of the Integrated Office and has direct access to the Secretary-General as needed for the performance of his or her functions. She or he also raises relevant issues with management and staff, when appropriate, to facilitate conflict resolution and makes recommendations for changes in policies and practices. Similarly, the Ombudsmen for the funds and programmes and UNHCR have direct access to the executive heads of their respective entities.

3. Office harmonization

9. The process to create the integrated and harmonized Office of the Ombudsman began in 2008. Concerted efforts were made to build synergies and harmonize practices throughout the year. An important initiative towards harmonization — and a first for the integrated Office — was the holding of a retreat for ombudsman staff

from the Secretariat, funds, programmes and UNHCR in September 2008. The retreat consisted of three components: (a) team-building and working collaboratively; (b) skill-building, e.g. case and conflict analysis and conflict resolution; and (c) building administrative systems. The teams shared best practices and identified opportunities to enable effective integration. There was a consensus that there should be follow-up retreats to ensure harmonization of the integrated Office, especially as the regional branch offices and Mediation Division were established, and to continue professional development.

B. Mediation services

10. The Mediation Division, which is part of the spectrum of services offered by the integrated Office and which operates under the authority of, and reports to, the United Nations Ombudsman, provides mediation services for the Secretariat, funds, programmes and UNHCR. The Division will handle cases requested by the parties and the United Nations Dispute Tribunal, among others.

11. It is expected that mediation, as a neutral, voluntary and confidential process, will help parties in conflict to identify and understand issues and interests, explore options and generate solutions to which all parties agree, drafting agreements when requested.

12. The Mediation Division is in the process of developing its own guidelines and standard operating procedures following extensive consultation with key stakeholders in the administration of justice system. These procedures will be posted on the Office website.

13. The integrated Office is in the process of establishing a roster of mediators who will provide dispute resolution services as may be required. The roster will eventually be extended to serve the regional branch offices.

III. Statistical information on cases and issues

14. One of the main goals of the Office of the United Nations Ombudsman and Mediation Services is to identify systemic workplace problems, analyse their root causes and identify opportunities to prevent them from recurring. To help accomplish this main objective, the Office analyses the number and related trends of cases brought to the integrated Office, the originating unit or area from which the cases arise, the demographics of those who brought the cases, the types of issue they relate to and the types of issue by location. The following data relate to these factors.

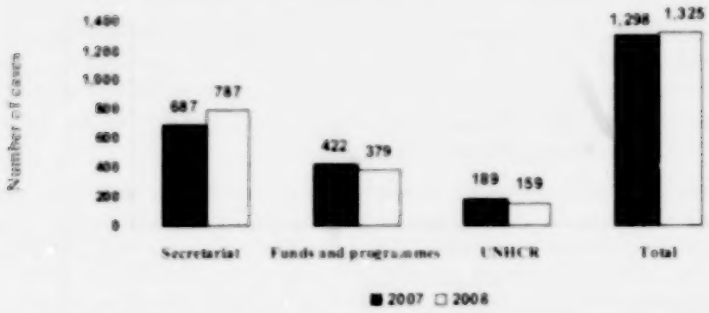
A. Case volume

1. Consolidated

15. The number of cases brought to the integrated Office during 2008 rose by 2.1 per cent from the previous year (figure 1). The figures for 2008 reflect only cases opened in 2008 and do not include cases carried over from previous reporting cycles. Despite significant outreach efforts, not all United Nations staff are aware of

the work and activities of the Ombudsman. For example, locally recruited staff in peacekeeping operations and individual contractors serving in remote regions have limited access to information about the Office and to its services. In general, visitors prefer to meet with someone they can interact with regularly. Thus it is anticipated that the establishment of seven regional branch offices and the Mediation Division will provide easier access, thereby enhancing the service provided.

Figure I
Number of cases opened, 2007 and 2008



2. Secretariat

16. Each year since the inception of the Office of the Ombudsman, the case volume has increased steadily. The number of cases has almost doubled from 410 cases in 2003, the first full year of operations, to 787 in 2008. From 2007 to 2008, the number of cases increased by 14.6 per cent. Two factors could explain the increase in case volume. Firstly, the staff population increased from 2007 to 2008 by 8 per cent (see A/63/310), mostly in peacekeeping missions, and secondly, awareness about the services provided by the Ombudsman increased.

3. Funds and programmes

17. In the Office of the Joint Ombudsperson, over the past five years the case volume has increased by 52 per cent, from 249 in 2003 to 379 in 2008. However, there were slightly fewer new cases in 2008 compared with 2007. Reduced staffing in the Office affected the ability to respond more promptly to cases and to visit as many field locations as planned. The Office handled 446 cases during 2008, including cases opened in prior periods.

4. Office of the United Nations High Commissioner for Refugees

18. At the Ombudsman Office for UNHCR, case volume has doubled over the past five years, from 80 in 2003 to 159 in 2008. During 2008, 159 individuals and groups brought cases to the Office, while the Ombudsman continued working with 52 staff members whose concerns had not been fully resolved during the previous year. During the year, the Office thus handled 211 cases. Two thirds of cases opened in 2008 were closed during the course of the year, even though the rate at which staff members approached the Office doubled in the second half of 2008.

B. Demographics

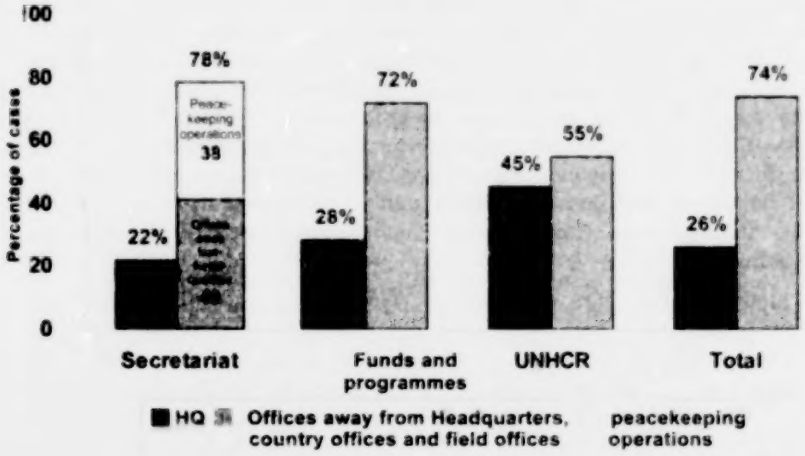
Location

1. Consolidated

19. The majority of staff who utilized the services of the integrated Office came from country offices, field offices and peacekeeping operations (see figure 2). This distribution of cases reflects the distribution of the workforce, which is largely field-based.

Figure 2

Percentage of cases from headquarters compared with offices away from headquarters, peacekeeping missions, country offices and field offices, 2008



2. Secretariat

20. The percentage of visitors from New York Headquarters decreased from 29 per cent of the total cases in 2007 to 22 per cent in 2008. However, the percentage of Headquarters staff who used the Office was larger than the percentage of staff from other locations.

21. Visitors from offices away from New York Headquarters increased from 36 per cent in 2007 to 40 per cent in 2008. The increase was due to outreach efforts. During 2008, the Ombudsman and/or staff from his Office visited the United Nations Offices at Geneva, Nairobi and Vienna. Utilization of services may continue to increase with the development of the seven regional branch offices.

22. In 2008, the percentage of visitors in peacekeeping operations was higher (38 per cent) than the previous year (35 per cent), partly as a result of visits to three peacekeeping operations in 2008, namely: the United Nations Integrated Mission in Timor-Leste (UNMIT), the United Nations Operation in Côte d'Ivoire (UNOCI) and the United Nations Interim Administration Mission in Kosovo (UNMIK). The establishment of regional branch offices in Kinshasa and Khartoum will likely further increase the percentage of visitors.

3. Funds and programmes

23. In 2008, 72 per cent of all cases handled by the Office were brought by country office staff; this roughly represents the reality of the workforce, which has a large majority of field-based staff. The funds and programmes Ombudsman office conducted five country office missions in 2008, covering three regions. A higher level of accessibility for country office staff would have been desirable but was not possible given the limited staffing complement. Although there were slightly more country office cases in 2008 as compared with 2007, the number is still down by 10 per cent compared with 2006, a year when the office was fully staffed.

4. Office of the United Nations High Commissioner for Refugees

24. The number of national staff members from the field, and particularly the "deep field", who contact the office remains low in proportion to their representation in the total number of UNHCR staff. It is recommended to revitalize and expand in the coming years the network of Respectful Workplace Advisers. The United Nations Respectful Workplace Advisers pilot was modelled after the World Bank's well-established and successful model. Respectful Workplace Advisers are selected by their colleagues and receive specific training. They are situated in offices in the field. They help staff to better understand options available to them to address conflict and they promote early solutions close to the source of the problem. Respectful Workplace Advisers also inform staff of recourse to services that can guide them (Ombudsman, Ethics Office, human resources offices, Inspector General's Office, etc.).

25. The high percentage (45 per cent) of UNHCR headquarters (Geneva and Budapest Service Centre) visitors compared with previous years (37 per cent from May 2005 to November 2007) can be explained by several factors. Firstly, the Ombudsman's focus on, and two visits to, the new Budapest Service Centre, which forms part of UNHCR headquarters. Secondly, the increased volume of issues from some Geneva headquarters work units following structural changes. Thirdly, the postponement of some planned field missions by ombudsmen to 2009. Many field staff take advantage of these missions to speak confidentially with an ombudsman.

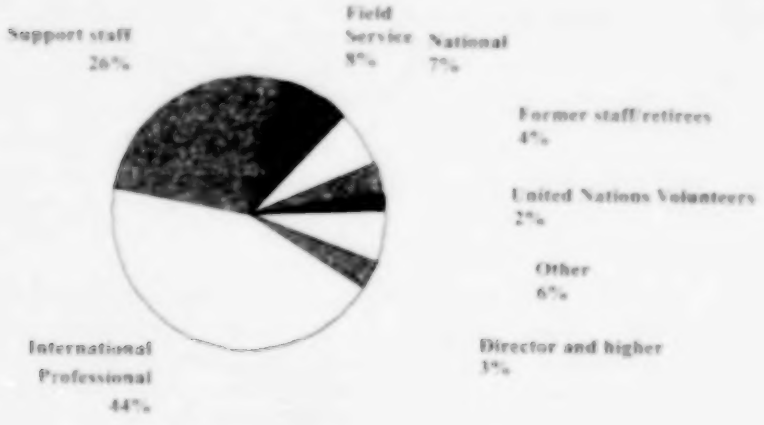
Job category

1. Consolidated

26. Of the visitors to the Integrated Office, 47 per cent came from the combined ranks of international Professional and higher categories in 2008. Figure 3 below represents a breakdown by occupational group of the visitors to the integrated Office in 2008. Data from all three components of the integrated Office are represented as follows: staff members in the Professional and higher categories; international Professional staff; support staff (General Service, Security and Trades and Crafts); national staff (Professional and support staff); and others (including consultants, contractors, military personnel and interns). The Secretariat and the funds and programmes also had cases from visitors who were United Nations Volunteers, former staff and retirees. Lastly, the Secretariat received cases from staff in the Field Service category. From these combined cases shown in figure 3, the largest segment (47 per cent) of visitors to the integrated Office came from the ranks of international Professional staff, directors and above in 2008.

Figure 3

Percentage of visitors by occupational group for consolidated Office of the United Nations Ombudsman and Mediation Services, 2008



2. Secretariat

27. The percentage of visitors at the level of Director and above increased from 1.9 per cent in 2007 to 3.2 per cent in 2008. This increase shows that senior managers have become more aware about the services provided by the Office and/or have more confidence in its potential to help resolve conflict. International Professionals continued to be the largest category of visitors to the Office. Although international Professionals constitute 26 per cent of the workforce in the Secretariat (see A/63/310), 43 per cent of all visitors were from this category in 2008, as they were in 2007. Every year, since the inception of the Office of the Ombudsman in 2002, the majority of visitors have been international Professional staff. Twenty-four per cent of visitors belonged to the support staff category (including General Service, Trade and Crafts and Security) and 13 per cent of visitors were from the Field Service category in 2008. Locally recruited staff members in peacekeeping operations were very much underrepresented among the visitors to the Office of the Ombudsman, representing only 4 per cent of the total number of cases. The establishment of regional branch offices in Kinshasa and Khartoum will likely facilitate access to the Ombudsman by local staff. Eight per cent of cases in 2008 were brought by non-staff personnel, which include consultants, individual contractors, interns, volunteers, military and others.

3. Funds and programmes

28. Of the visitors from the funds and programmes in 2008, 46 per cent were international Professional staff; 26 per cent were support staff and 12 per cent were national Professional staff. As noted in paragraph 24 of the present report, there is a need for more ombudsman services to be readily accessible locally in order for local and support staff to feel more encouraged to come forward with issues that may otherwise be left unattended.

4. Office of the United Nations High Commissioner for Refugees

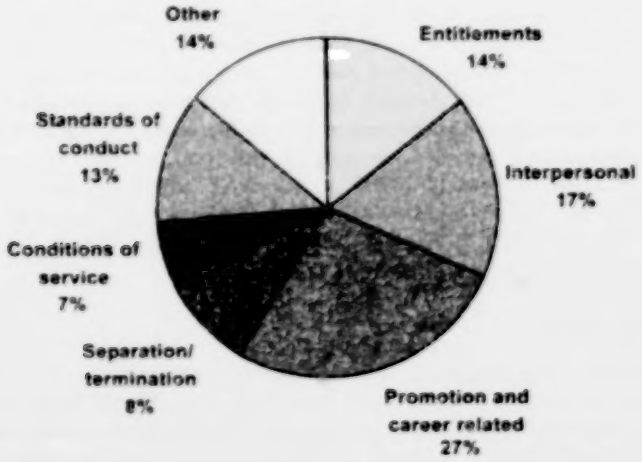
29. The continuing willingness of many senior managers in the field and headquarters to approach the Ombudsman of UNHCR or urge staff members under their supervision to approach the Office reflects managers' acknowledgement that an approach to the Ombudsman is not a sign of weakness, failure or disloyalty. This is an important departure from the managerial attitudes faced when the Office was first established. Five per cent of visitors were at the Director level, while 50 per cent were at the international and national Professional officer level, and 34 per cent were at the support staff level.

C. Types of issue

1. Consolidated

30. The types and number of issues brought to the integrated Office help to identify systemic concerns and problems that need to be addressed by the Organization (see also sect. IV). Career-related issues formed the largest number of cases from the Secretariat, the funds and programmes and UNHCR (see figure 4). The second highest volume of cases related to managerial and interpersonal issues. During 2008, the issue categorization schema used by the Office of the Ombudsman in the Secretariat differed from that used by its counterparts in the funds and programmes and UNHCR, thereby limiting the ability to compare issues across the integrated constituency. In 2009, a common schema will be used across the entire integrated Office. The 2009 schema will be similar to those being used by other ombudsmen and mediators in related international organizations and the International Ombudsman Association.

Figure 4
Types of issue raised at the Secretariat, 2008



1. Secretariat

(a) Promotion and career issues

31. Promotion and career issues have consistently remained the most important category and include grade at entry, special post allowance, posting, job classification, promotion opportunities, conversion to fixed-term or permanent contracts and the performance appraisal system.

(b) Interpersonal issues

32. The second largest category, interpersonal issues, includes conflicts between colleagues and between supervisors and staff. In addition to ombudsman services, mediation provided by the Office has been a useful tool to resolve issues between co-workers.

(c) Entitlement issues

33. A greater number of issues relating to entitlements were raised in 2008 (102) than in 2007 (87). The increasing number of cases from peacekeeping operations, where staff may not always be aware of their entitlements, could explain this evolution. Of the 102 entitlement cases brought forward, 54 were raised by peacekeeping personnel.

(d) Standards of conduct issues

34. There were a greater number of cases involving standards of conduct in 2008 (89 issues) than in 2007 (65 issues); this may be connected to the issuance of the Secretary-General's bulletin on the prohibition of discrimination, harassment and abuse of authority (ST/SGB/2008/5), which increased awareness of the policy and processes to address such issues.

Figure 5
Types of issues raised at the United Nations funds and programmes, 2008

Values, ethics and standards of conduct 6%
Compensation and benefits 10%
Evaluative relationships 26%
Organizational, strategic and mission 8%
Services/ administration 6%
Colleague relationships 2%
Safety, health, well-being, and physical environment 3%
Legal, regulatory, financial and compliance 11%
Career progression and development 28%

2. Funds and programmes

(a) Career progression and development

35. The largest number of cases brought to the attention of the Ombudsman for the United Nations funds and programmes concerned issues pertaining to jobs and career; which are major sources of frustration and conflict for staff at all levels (see figure 5). Inadequate coaching and mentoring, questionable promotion procedures, difficulties of inter-agency mobility, faulty recruitment, lack of opportunities for career progression, selection processes and contractual issues contribute to the problems in this area.

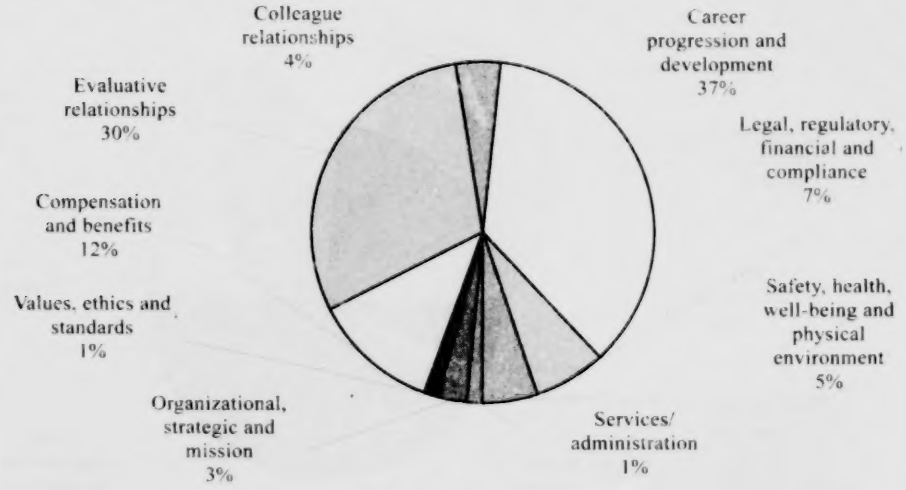
(b) Evaluative relationships

36. The evaluative relationships category at the United Nations funds and programmes refers to issues between colleagues with supervisory relationships. Examples of issues in this category relate to respect, treatment, communications, team climate, morale and performance management and appraisal. There was an upward trend in the number of evaluative relationship cases, from 20 per cent in 2007 to 26 per cent in 2008. A new way of reporting on abuse of authority, which is now statistically incorporated into the evaluative relationships category, partly accounts for the increase.

(c) Legal, regulatory, financial and compliance

37. Matters pertaining to financial, legal and disciplinary issues, which include harassment, waste, fraud, abuse of funds and investigative processes, amounted to 11 per cent of the total number of issues and represent the third largest category of cases in 2008 at the United Nations funds and programmes.

Figure 6
Types of issues raised at the Office of the United Nations High Commissioner for Refugees, 2008


Colleague relationships 4%
Career progression and development 37%
Evaluative relationships 30%
Legal, regulatory, financial and compliance 7%
Compensation and benefits 12%
Safety, health, well-being and physical environment 5%
Values, ethics and standards 1%
Organizational, strategic and mission 3%
Services/ administration 1%

3. Office of the United Nations High Commissioner for Refugees

(a) Career progression and development

38. Thirty-seven per cent of the visitors raised concerns related to their jobs and careers, with many facing abolition of their post, non-renewal of their contract or termination (see figure 6). Others complained of involuntary transfers or changes of assignment, or a delay or denial of a promotion.

(b) Evaluative relationships

39. Thirty per cent of the visitors complained about evaluative (supervisory) relationships and felt that they had received unfair treatment from their supervisors. Many of these visitors also registered career-related concerns, relating to performance appraisal, bullying, a negative departmental climate, lack of respect, abuse of authority and supervisory ineffectiveness. There were also complaints of retaliation by supervisors; these occurred before the establishment of the Ethics Office, which has a special role in this regard.

(c) Compensation and benefits

40. Twelve per cent of staff members raised concerns about issues of compensation and benefits, with the main concerns focusing on separation entitlements, leave entitlements, dependency benefits and official travel. Other significant concerns raised by staff included safety, health, well-being, stress, work-life balance and harassment, including sexual harassment.

D. Issues by location

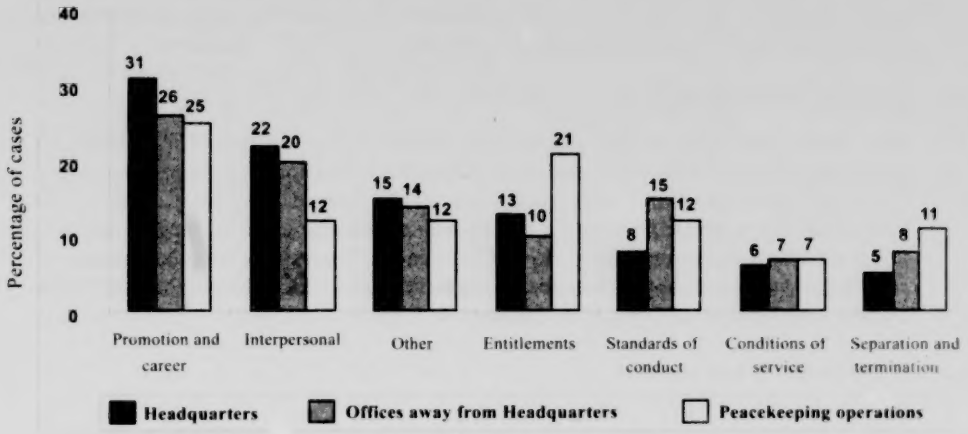
41. Figure 7 shows a breakdown of issues raised by staff of the Secretariat in 2008.

1. Consolidated

42. Promotion and career-related issues and evaluative relationships continue to represent the highest number of cases in all locations.

2. Secretariat

Figure 7
Issues by location: Secretariat, 2008



Headquarters

43. The relatively high proportion of promotion, career and interpersonal issues at the Secretariat Headquarters in New York may indicate a competitive work environment where relations between supervisors and supervisees or between peers are relatively tense.

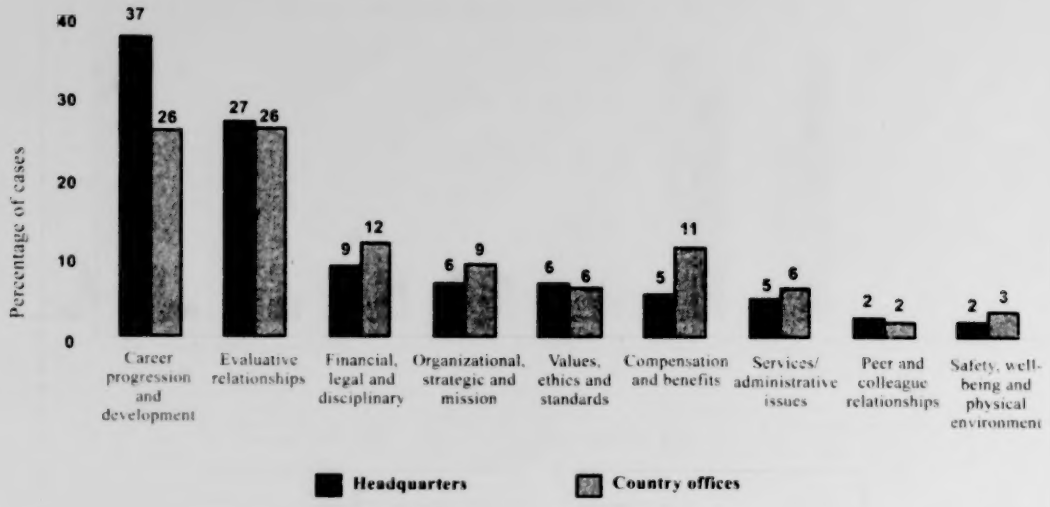
Peacekeeping

44. Due to the temporary nature of mission service, visitors located in peacekeeping missions had somewhat different concerns; they had proportionally more separation and termination issues (11 per cent) than the rest of the visitors (8 per cent at offices away from Headquarters and 5 per cent at New York Headquarters). Peacekeeping staff also had more entitlement issues (21 per cent) than visitors from New York (13 per cent) or offices away from Headquarters (10 per cent). This was most likely because of a relative lack of knowledge on the part of staff about these entitlements and by the delays in processing entitlement requests.

Offices away from Headquarters

45. Visitors located at offices away from Headquarters brought to the attention of the Ombudsman more issues related to violation of the standards of conduct of the international civil service (15 per cent) than the rest of the visitors (8 per cent at Headquarters and 12 per cent in peacekeeping operations). Smaller and isolated professional settings appear to be conducive to situations of bullying or mobbing; therefore a higher percentage of visitors from these offices report harassment or discrimination.

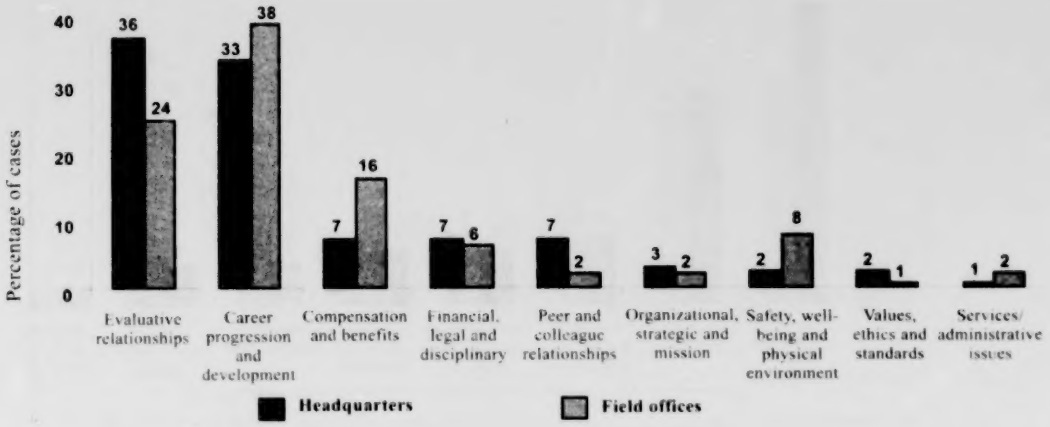
Figure 8
Issues by location: funds and programmes, 2008



3. Funds and programmes

46. Issues related to jobs and careers form the largest percentage of concerns raised by visitors both in country offices (26 per cent) and at the headquarters of the United Nations funds and programmes (37 per cent) (see figure 8). However, visitors from country offices raised almost as many issues relating to evaluative relationships (26 per cent) and also had a higher percentage of issues pertaining to compensation and benefits compared with their colleagues at headquarters (11 per cent versus 5 per cent). Further analysis of issues related to jobs and careers shows that headquarters staff and country office staff differ in the types of issues they raise. For example, concerns from country offices relate mainly to job retention, termination and non-renewal of contracts (double that at headquarters) for a number of stated reasons, including contractual modality and, in particular, the use of service contracts in the field. At headquarters, career development is impeded not only by termination and non-renewal of contract but also by a number of other factors such as job-selection and recruitment processes, terms and conditions of contract and delay and denial of promotion.

Figure 9
Types of issues by location: Office of the United Nations High Commissioner for Refugees, 2008



4. Office of the United Nations High Commissioner for Refugees

47. The disproportionately high percentage of interpersonal difficulties (evaluative and peer relations) emanating from UNHCR headquarters (43 per cent) compared with the field (26 per cent) has to do with: (a) certain units at headquarters that had high levels of interpersonal tensions and difficult relations between managers and staff; (b) reduced morale in headquarters owing to out-posting and other structural changes; and (c) easier access to and greater familiarity with the Ombudsman's office of staff at headquarters (see figure 9).

48. Issues where higher percentages of cases emanated from the field compared with headquarters related to jobs and careers (38 per cent versus 33 per cent) and compensation and benefits (16 per cent versus 7 per cent). This reflects the more precarious career and contractual situation of both international and national staff in the field, who are affected by loss of employment at the end of fixed-term assignments in the deep field and the downsizing and restructuring of field offices as operational needs change. Staff in the field also tend to have relatively limited knowledge of their entitlements compared with staff at headquarters and have more difficulty getting answers about these from their managers and from headquarters, which is far away.

E. Types of services provided

Figure 10
Actions taken by Ombudsmen of the integrated Office, 2008

49. Ombudsmen perform a wide variety of actions in the course of working with staff members on their cases (see figure 10). Ombudsmen's actions are informal and include listening, providing and receiving information, identifying and reframing issues, helping visitors to develop and evaluate a range of responsible options, undertaking informal fact-finding, and (with the visitor's permission and at the discretion of the Ombudsman) engaging in informal third-party intervention or mediation. In addition, the Office helps staff to identify the appropriate United Nations office or unit to which they can bring their issue for resolution. The primary objective in settling conflicts is to advance fair and equitable solutions to problems and to improve the workplace environment; however, informal conflict resolution may also reduce recourse to the formal grievance process. The Office does not replace any other organizational entity, but collaborates, with the visitor's permission, with other offices and services to resolve work-related concerns and conflicts.

IV. Systemic issues

A. Source and context

1. Issue identification and reporting

50. The Office continues to attach great importance to its roles in identifying, analysing and reporting on broad systemic issues and in making recommendations to improve policies, procedures, systems or structures that can address and prevent issues from recurring.

2. Addressing issues

51. In paragraph 32 of its resolution 62/228, the General Assembly requested the Secretary-General to report to it at its sixty-third session, in the context of human resources management, on specific measures taken to address systemic issues. In his report on measures taken to address seven systemic human resources issues raised in the context of the reform of the internal system of administration of justice (A/63/132), the Secretary-General provided feedback to the Assembly on his response to the recommendations of the Ombudsman contained in document A/62/311. In paragraph 25 of its resolution 63/253, the General Assembly again requested the Secretary-General to report to it, at its sixty-fifth session, on specific measures taken to address systemic issues in the context of human resources management.

3. Integration of the United Nations ombudsman offices

52. The integrated Office has a global view of the systemic issues in the Secretariat, the funds and programmes and UNHCR. The integrated Office has introduced regular case and systemic issue debriefings to facilitate the detection of any organization-wide procedures, practices or rules that may be generating common concerns among staff. Additionally, the Office is creating a uniform case categorization process that ensures consistency and enhances analysis of root causes and trends.

4. Regional branch offices

53. The regional branch offices will facilitate access to ombudsman services for people serving outside headquarters. They will also provide important information on systemic issues from the field perspective.

5. Delivering as one United Nations

54. Drawing on new opportunities generated by its expanded reach, the integrated Office will help foster positive systemic change and encourage the adoption of common practices and policies system-wide, thus promoting the vision of "Delivering as one".

B. Issues identified over the reporting period in the Secretariat, the funds and programmes and the Office of the United Nations High Commissioner for Refugees

55. For the purpose of the present report, which covers the period January to December 2008, the Office has selected the following systemic issues, which have been identified as being inherent across all the entities it serves unless otherwise noted.

1. Career progression and development

56. Concerns related to career progression and development continue to account for the largest number of cases brought to the attention of the integrated Office. Career progression and development are critical to effective talent management and building institutional capacity for United Nations entities. The failure to enable staff

to have successful and rewarding careers jeopardizes the Organization's ability to retain good staff and to ensure that the right staff are in the right positions. Listed below are key systemic issues that could have an impact on the Organization's ability to attract, retain and effectively engage high performing staff.

(a) Performance management

57. Staff report that some managers continue to neglect to provide regular feedback, conduct periodic performance reviews or follow the appraisal procedures. Cases received relate to the improper use of the appraisal system as a management tool for evaluating performance. Staff in some instances perceive that the evaluation system is used as a tool to punish the staff member; they believe it is based on interpersonal problems with the manager rather than their actual performance. Managerial indifference to setting clear work objectives at the outset of the appraisal period and absence of feedback on performance during the appraisal period undermine the usefulness of the process. Staff also report that evaluations are often vague and do not contain specific, constructive feedback that enable them to draw clear conclusions about their capabilities, training requirements and career development prospects. Ineffective performance management negatively affects both goal achievement under existing workplans and future career progress.

58. Timely and quality performance management and reports need to be key indicators of managerial effectiveness. It is important that management have a process to monitor and review the application of the performance management system. Such a process can help hold all managers accountable for the quality of performance evaluations and the need for feedback to ensure that such evaluations are timely, specific and constructive and are based on goals and deliverables. In the funds and programmes particularly, it is recommended that any committees reviewing evaluations, especially at the country level, strive for neutrality.

59. In the Secretariat, it has been noted that performance management is included as an indicator in the Secretary-General's compact with the heads of departments. The integrated Office recommends that the staff performance appraisal system component of this initiative could be further strengthened if added focus is placed on quality of performance evaluation and feedback, in addition to compliance with the completion of the process.

(b) Recruitment and selection

60. Staff at different levels report that there can be long delays in the recruitment process, which can hinder operational efficiencies. Some staff applying for positions in peacekeeping operations have approached the Office for assistance with initial and technical clearance. The Office also received reports of instances where the finalization of a decision for movement to the higher level for field positions had lasted up to three years. Since organizational practice is that other missions may not consider for recruitment candidates who have already been selected for such positions, the staff concerned had to wait until a final decision was taken on their movement to the higher level before they could apply and be considered for other positions, thus seriously compromising their career progression. Additionally, the Office received cases from individuals who felt that the recruitment and selection processes lacked rigor and were not transparent.

61. Regarding field positions, the Office proposes that the Department of Field Support undertake a comprehensive review of the processes for clearance and requests for movement to a higher level to identify where the bottlenecks may exist and to find ways to shorten the process.

62. It is important to consider ways to ensure fair, transparent and expeditious recruitment processes for staff. The Office recognizes the added value and supports the core functions of the appointment and promotion machinery and the central review bodies, which ensure the fairness and integrity of recruitment processes. Some managers have noted, however, that after going through lengthy interview processes, they are required to interview additional candidates, often necessitating a resumption of the interview process. The Office recognizes that the new talent management system, which is expected to be implemented in the Secretariat in 2009 and beyond, may address some of the issues pertaining to staff selection, including how candidates should be pre-screened and short-listed and how panels should be constituted and interviews conducted. In addition to these and other efforts that may be envisaged throughout the system, the Office further recommends that a procedure or mechanism be put in place to provide managers with advice on additional candidates to be interviewed at the onset of the process rather than after the interviews have been concluded and the cases submitted to the central review bodies for consideration.

(c) Official status files

63. A number of staff in the Secretariat and the funds and programmes have expressed concerns regarding the reported misuse of official status files. These concerns take various forms. Staff members report documents in their files that have been filed without their knowledge in contravention of existing organizational policies. Also, at times, adverse information is said to have been stored in electronic records such as human resources databases without the knowledge of the staff member or without the staff member being provided with the opportunity to refute the information; such information might be used later to exclude them from being considered for positions. In addition, staff have reported delays in accessing their files and lack of updated data contained in them.

64. To resolve the problem of accessibility and transparency, the Organization could look into best practices in other organizations and make efforts to identify where the bottlenecks exist and how to streamline the system. It is proposed that the option of keeping official status files electronically be explored. Such an option would allow staff members secured access to their staff files through the United Nations Intranets.

(d) Contract management

65. It is anticipated that the contractual reform currently under way will help to address the plethora of contractual modalities that have existed. Nevertheless, for the reporting period some issues brought to the Office relate to arbitrary non-renewal of contracts and poor management of contracts. Managerial accountability is needed to effectively manage contracts. For example, there have been cases where conduct and performance met expectations but contracts were not renewed even when funding was available and the need for the services continued. Perceived arbitrary decisions on renewals can deter talented staff from continuing to

develop careers with the various organizations. UNOMS recommends that management review the ways in which contracts are managed to ensure that the highest ethical employment standards are met.

2. Leadership and managerial effectiveness

(a) Abuse of power

66. Statistics on cases from the integrated Office's constituency identify abuse of power as the most prevalent form of reported harassment in the Organization.

67. Reported abuses include the use of inappropriate language and other unprofessional means of addressing subordinates in a United Nations workplace environment, withholding and threatening to withhold contract renewals, requesting staff to perform functions unrelated to official duties, using office restructuring to make staff redundant and other forms of abuse that often go unaddressed.

68. These issues can fester owing to the failure to (a) properly vet those taking supervisory roles for their management abilities; (b) act on reported instances of managerial misconduct and to make managerial competence a critical factor when evaluating staff; and (c) put in place mechanisms that can properly assess the effective use of entrusted managerial authority, such as 360-degree managerial evaluations.

69. Abuse of authority and the failure to address this and other forms of misconduct negatively affect productivity, retention and staff morale. These behaviours can lead to high absenteeism and extended medical leave and reflect poorly on the image of the Organization.

70. Management sets the tone for an organization's work environment. It is important that managers are selected and recognized not only for their ability to deliver programmatically but also on their ability to create an organizational culture that does not tolerate harassment, discrimination or abuse by the management or others.

71. It is important that for positions with supervisory responsibilities, individuals are selected and appraised on the quality of their management skills, as well as on their technical and other abilities.

3. Investigatory processes for alleged misconduct

72. Staff members of the Secretariat and the funds and programmes raised concerns pertaining to investigatory processes related to allegations of harassment, abuse of authority and other forms of misconduct. Investigations were said to be sometimes conducted without due process. It also appeared that investigations were not always undertaken by the appropriate investigative body or by persons who had the right language proficiency.

73. Some staff perceive that their reports of misconduct are not properly addressed and that the Organization lacks serious commitment to addressing reports of abuse. Those staff report that they may not know that an investigation is taking place or they do not know its status. Some believe that there is no requirement to provide feedback to staff on the findings of reported misconduct. When staff do not hear back after lodging a complaint, they feel that justice has been denied and that managers may abuse authority with impunity. At the same time, staff may continue

to serve in offices alongside an alleged perpetrator, while fearing retaliation. Because of these experiences, some staff members do not feel that they have adequate protection against retaliation.

74. The existence of several offices available to handle concerns of misconduct raised by peacekeeping personnel in the field, namely the Conduct and Discipline Unit, the Office of Internal Oversight Services, personnel services and security services, among others, creates confusion among the staff. Standards vary among offices and there does not appear to be consistent application of the requirements, such as requiring proof to establish wrongdoing.

75. Streamlining the processes for the review and investigation of alleged misconduct will improve their effectiveness. Furthermore, reviewing all formally lodged complaints and providing feedback to the complainant will help to ensure the transparency and effectiveness of the process. Where the complainant fails to establish a prima facie case of wrongdoing, this determination needs to be on record to show that the complaint was examined and that the alleged perpetrator was exonerated. Based on a centralized database with such records, reported abuse could be detected. Closely monitoring the contractual situation and performance appraisal of the complainant will help protect him or her against retaliation during and after investigation.

4. Academic qualifications

76. Over the reporting period, the integrated Office received complaints from staff whose academic degrees were rejected by the Organization. The Office observed that an exhaustive, accurate and generally accepted list of accredited institutions against which concerned staff members can examine their credentials does not exist. There are various standards and criteria across the system on what are considered acceptable accreditations and institutions. Furthermore, the existing policy in this area predates the Internet and does not take advantage of information technology as a globally used medium for educational advancement.

77. Staff members who raised these issues note that in absence of a clear policy, they do not know if the Organization will recognize their degree or institution. In addition, some staff members reported that during the hiring process, and after they had been selected for a particular position, they were informed that their academic qualifications were appropriate only for a lower level, in which cases they were offered contracts at the lower level.

78. Failure to issue clear, informative policies on recognizable academic qualifications prevents staff in some cases from pursuing the right education to optimize their current effectiveness and future career advancement. It may also cause qualified candidates to reject the final offer if the contract they are ultimately offered is not at the level of the position for which they had applied.

79. A comprehensive system-wide policy on the subject is required. It needs to communicate to staff prior to the commencement of studies how to determine whether their degrees are accredited; it should also outline the implications for non-compliance with established requirements. Also, better coordination of the process from screening through the letter of appointment or contract will prevent many of these issues from recurring.

80. The Office also recommends that a database of accredited institutions be developed, using best practices and following system-wide consultations, to be used as a reference tool by all relevant entities that are involved in selection and recruitment processes.

81. The Ombudsman acknowledges the ongoing efforts to address some aspects of this process by human resources departments across the system.

5. Maternity leave

82. A number of female staff members going on maternity leave complained that their supervisors made them feel that their planned absence would cause reduced office productivity and was likely to jeopardize the continuity of their service in the office.

83. Failure to protect the rights of female staff members undermines an environment for career development and work against gender-balance policies.

84. Exercising one's entitlement to maternity leave should have no bearing on the continuity of one's service in an office.

85. Periodic circulation of relevant policies to managers, which could be monitored by gender focal points, will help to ensure equal opportunity for career development for female staff.

6. Staff referral for medical evaluation

86. Staff of the Secretariat and the funds and programmes report to the integrated Office that their supervisors have referred them to the Medical Services Division for psychological evaluation without their prior knowledge. Such a practice may be construed as not respecting the rights of staff.

87. It is important that appropriate guidelines be established and circulated on how to determine when psychological evaluation is appropriate and if so, how to proceed. Inappropriate handling of such sensitive situations may compromise careers and professional reputations. Additionally, supervisors and managers should be given adequate information and training on how to deal with trauma and mental health issues that could arise among their staff within the framework of United Nations rules and regulations.

7. Coverage for trauma and post-crisis care

88. A special visit was made by the United Nations Ombudsman to Geneva on the fifth anniversary of the Canal Hotel bombing in Baghdad to meet with the families of victims and survivors and hear their concerns and learn about any outstanding issues that require action from the Organization. At that time, the Ombudsman strongly urged that more attention be paid to this problem and recommended that the Organization create a mechanism that would address post-crisis and long-term needs of survivors and family members of deceased staff members. The Ombudsman had previously identified the need for care or coverage for staff who sustain psychological or mental illnesses resulting from service-related incidents (see A/62/311).

89. Not addressing these issues might be perceived as going against core United Nations values. Furthermore, failure to take proactive initiatives to address these

issues leaves the United Nations unprepared to deal with future crises of such magnitude and their aftermath.

90. The Ombudsman notes the establishment at the request of the Secretary-General of the Working Group on Staff Humanitarian Affairs following the five-year commemoration of the Baghdad bombing. The Group was set up to consider how the United Nations could respond in a more caring and consistent way in the wake of malicious attacks against the Organization. The Office provided recommendations and input to the Working Group.

91. UNOMS supports the Working Group's recommendation to establish a unit within the Organization that is dedicated to providing both the operational and the policy perspective to ongoing support for survivors and family members of deceased staff members.

C. Responses to past systemic issues

92. The Ombudsman has identified systemic issues in previous reports of the Secretary-General on the activities of the Ombudsman. It is the Secretary-General's purview to monitor and report to the General Assembly on the status of how those issues and recommendations are being addressed. Nevertheless, below are a few examples of initiatives that the Organization has taken in regard to multiple factors that help address broad systemic issues and keep them from recurring.

1. Fostering managerial excellence

93. In the report of the Secretary-General to the General Assembly at its sixtieth session on the activities of the Ombudsman (A/60/376), the Organization was called upon to provide training for managers and to make training mandatory for all staff with supervisory roles. The Organization has introduced management development courses, including a leadership programme for staff of the D-1 level and above, and mandatory management development programmes for staff at the P-4 and P-5 levels. An induction programme for senior officials in the field has also been recently revamped. The Secretariat has regularly participated in the programme.

2. Communicating and managing change

94. In the report of the Secretary-General to the General Assembly at its sixty-first session on the activities of the Ombudsman (A/61/524) the need for proper management of change and transition affecting staff was identified. Over the reporting period, the Office noted a reduction in the number of cases from the Secretariat arising out of poor change management. The Management Support Service was established in the Department of Management to guide managers on how to execute change effectively. Through town-hall meetings, departments of the Secretariat have regularly kept staff informed about planned changes in human resource and justice reform.

3. National competitive examination programme

95. In the report of the Secretary-General to the General Assembly at its sixty-third session on the activities of the Ombudsman (A/63/283), several issues pertaining to the poor management of the national competitive examination programme were highlighted. The Office of Human Resources Management has suspended the programme to allow for a complete revamping of its terms and procedures.

4. Harmonization of contracts

96. In the report of the Secretary-General to the General Assembly at its sixtieth session on the activities of the Ombudsman (A/60/376), the Organization was called upon to consider streamlining the various contractual arrangements that were used for the recruitment of staff. The Assembly, in its resolution 63/250, approved a new framework that streamlines the contractual arrangements within the Secretariat and provides for three types of appointment under one set of Staff Rules. This new framework was implemented effective 1 July 2009. The harmonization of contracts has affected staff across the integrated Office. Similar areas of critical importance to all three entities serviced by the integrated Office will be reflected and elaborated upon in subsequent reports.

V. Communication and outreach

97. Communication and outreach to staff internally and to stakeholders outside the Organization remains a key function of the integrated Office. The year 2008 was one of transition and thus the Office, while focusing on consolidating its outreach and communications efforts, also explored ways of adapting its communication strategy and tools to the needs of the new integrated Office.

A. United Nations employees

98. It is critical that every United Nations employee understand that the Organization places great emphasis on the informal resolution of conflicts and that, in particular, UNOMS can be an important first step in this regard. The integrated Office increased its efforts to emphasize to staff the value of confidential, off-the-record conversations with a neutral person about workplace concerns. Apart from outreach activities, UNOMS also placed special focus on raising awareness about its expanded mandate, as noted below.

1. Induction

99. To ensure that all new staff are informed about the role and activities of the integrated Office, Ombudsman staff regularly participated in a variety of training courses, such as induction courses. In addition, and at regular intervals, representatives of the integrated Office met with various groups of staff, both in headquarters and during field visits, to reinforce awareness about the mandate of the Office and the services it provides, while emphasizing the advantages of the informal dispute-resolution process. Outreach efforts in the coming year will continue to focus on town hall meetings with staff.

2. Local visits

100. Field visits to offices away from headquarters continued to constitute an effective outreach tool. The criteria used to prioritize the visits were the number of cases brought by staff from those duty stations, organizational risk level of cases and special requests for in-person interventions made by staff or management. During these visits, UNOMS provides many services, for example presentations to staff about the role of the Office, providing induction training, handling cases brought by local staff and meeting with key stakeholders to discuss issues and trends.

101. In 2008, the United Nations Ombudsman and his staff visited the United Nations offices at Vienna, Geneva and Nairobi and other small locations not identified for confidentiality purposes. They also visited UNOCI, UNMIT and UNMIK. The Ombudsperson for the funds and programmes conducted a total of five country office missions during the reporting period, covering three regions, while the UNHCR Ombudsman conducted four visits. In September 2008, the United Nations Ombudsman and the funds and programmes Ombudsperson made a joint visit to Nairobi. The integrated Office will enable joint visits where feasible.

102. Such local, on-site visits proved an effective tool for a quick and durable resolution of complex cases that required in-person intervention and at the same time also prevented, at an early stage, the escalation of conflicts. On many occasions, senior staff of the respective duty stations used such field visits by the Office to raise issues of concern and to seek advice and coaching on how to address them. Early conflict resolution resulted in avoidance of more costly forms of resolution. The Office of the Ombudsman noted that in-person visits helped to build credibility and trust in the informal conflict resolution system.

3. New communications strategy

103. In an effort to adapt communication plans to the new integrated Office, a comprehensive assessment of the existing communication strategies and their tools was conducted. The result of this assessment was the development of a new, harmonized communication strategy that would cover the integrated Office. The integrated Office agreed that a cornerstone of the strategy would be a new website with a new visual design and content that is relevant to United Nations staff at large. The website will contain detailed information about the new Mediation Division and its linkage with the formal side of the new justice system. In cooperation with the Department of Public Information, the English version of the website was prepared in 2008. The final version of the website will be launched in all six official languages of the United Nations in 2009 with the start of the new administration of justice system. It meets all accessibility requirements as laid out by the General Assembly. The new website will also serve as a starting point for the production of a range of new printed and electronic materials.

B. Other stakeholders within and outside the United Nations system

104. Continued cooperation and involvement with fellow ombudsman practitioners enables the integrated Office to share experiences and learn from best practices. Meetings of the ombudsmen and mediators of the United Nations system and related organizations provide one such forum. Through candid exchange of ideas and experience, they help ombudsmen and mediators apply professional standards to their common goal of fostering respect and dignity in the workplace.

105. The integrated Office representatives attended the seventh annual meeting of the ombudsmen and mediators of the United Nations system and related organizations, in July 2008. The participants discussed best practices and strategies on topics such as harmonizing case reporting categories and databases, building effective relationships with management and staff associations, communicating the role of the ombudsman function, creating conflict resolution systems, outlining the role of the ombudsman in change management and best practices for succession planning for ombudsmen. The meeting provided key learning points and an action plan was created to produce deliverables for the eighth annual meeting. In addition, quarterly meetings of Europe-based ombudsmen and mediators, held in Geneva, served as an effective forum for peer learning and information exchange.

106. The International Ombudsman Association provides another forum for the exchange of ideas with ombudsmen from the corporate, educational, non-profit and governmental sectors. The mission of the Association is to support and advance the global organizational ombudsman profession and ensure that practitioners work to the highest professional standards. The practices and procedures of the Office of the Ombudsman are based on the Standards of Practice and Code of Ethics of the Association. During 2008, United Nations ombudsmen attended the annual conference of the Association and participated in workshops and advanced training events where they shared best practices and acquired additional competencies.

C. Building conflict competence

107. The integrated Office increasingly seeks to focus its joint efforts with relevant stakeholders on strengthening the capacity of staff at all levels to deal with conflict. To that end, the UNHCR Ombudsman introduced two beneficial practices in 2008, which consisted of preliminary discussions with relevant stakeholders, aiming on the one hand to institute conflict management and resolution training in management and other learning programmes, and on the other to spearhead efforts to move UNHCR forward in the direction of building conflict-resolution competence (see also para. 115 below). The integrated Office will explore how these best practices could be emulated by other entities, taking into account courses already being offered by the Office of Human Resources Management in the Secretariat and other such programmes that may be available in the funds and programmes and across the United Nations system.

VI. Future directions

108. The following is an update on some issues identified in the previous report of the Secretary-General on the activities of the Ombudsman (A/63/283) under the section on future directions.

A. Consistency in practices and principles within the expanded decentralized structure

109. Concerted efforts will continue during 2009 to ensure consistency in practices and principles within the integrated Office. These include the development of an internal Ombudsman Practices Manual, which will constitute a useful tool for all ombudsmen serving at headquarters and the regional branch offices, the dissemination of the revised terms of reference for the integrated Office, the standard operating procedures for the Mediation Division and the development of a common case information form and integrated case database system. The data collection process will help to ensure consistency in interpreting trends and non-confidential demographics of staff using the services of the Office. Consistent data will enable improved analysis of root causes and trends. The new categorization schema for cases is based on those used by the International Ombudsman Association and the group of Ombudsmen and Mediators of United Nations and Related International Organizations.

110. The integrated Office will focus on building conflict management capability through learning activities for managers and for teams and where the programme is piloted, through selecting, training and strengthening, the Respectful Workplace Advisers in field offices, including in remote regions (see para. 25 above).

111. Furthermore, during 2009, the integrated Office is planning a second retreat that will include staff from the regional branch offices and the Mediation Division. The retreat will focus on continuing team building, enhancing cross-training, building competency and ensuring consistency in practices and operational efficiency. The Office is committed to effectively fulfilling its informal role in the administration of justice and operating by its principles of independence, informality, neutrality and confidentiality.

B. Process involving all stakeholders in identifying and addressing systemic issues

112. The identification of systemic issues is an integral part of the Ombudsman's mandate. The UNHCR Ombudsman is part of an informal group, as mentioned earlier in the present report, that meets periodically to identify trends affecting staff of UNHCR and share these trends with key interlocutors. Building on the UNHCR experience, the integrated Office is developing a forum of key stakeholders from all constituent entities to collaborate in further analysing the issues identified, making recommendations and setting up modalities to address and resolve them. This forum will share best practices among the entities served and encourage their increased application to attain consistent and more effective approaches to resolving issues.

113. The key stakeholder forum will pilot joint discussions among Ombudsmen and key stakeholders within entities served by the Office to identify and prioritize high-risk systemic and policy issues and promote potential corrective actions. Stakeholders can consult with the Office to garner further understanding of the issues that are identified by the Office and can explore recommendations identified by the Ombudsman and other participants.

114. In its resolution 63/253, the General Assembly requested the Secretary-General to report to it at its sixty-fifth session on specific measures taken to address systemic issues in the context of human resources management. The Office recommends that this process continue annually in response to all issues flagged by the Office to allow management and relevant departments to initiate the necessary measures to respond to systemic concerns.

C. Mediation

115. While mediation is voluntary, it would be essential to encourage managers to participate in good faith in mediation requested by staff members through appropriate communication or guidelines, recognizing that the parties would remain free to reach an agreement or not. This will help enhance the Mediation Division's impact and effectiveness.

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Promotion and protection of the rights of children

The girl child

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 62/140. It contains a brief overview of international obligations and global commitments with respect to the girl child, stemming from human rights treaties and international conferences, as well as legal and policy development. The report addresses progress and challenges with respect to discrimination against the girl child, including in the areas of poverty, the right to education, health and adequate food, HIV/AIDS, violence and exploitation, and highlights activities undertaken to end female genital mutilation.

* A/64/150.

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Contents

		Pa
I.	Introduction	
II.	Legal/normative framework and global commitments	
	A. Human rights treaties and other international conventions	
	B. International conferences, intergovernmental bodies and related commitments	
III.	Persisting discrimination and efforts made to improve the situation of the girl child	
	A. Poverty and the impact of crises	
	B. Preventing abuse, exploitation and violence	
	C. Protecting girls in conflict situations and humanitarian crises	
	D. Promoting girls' education	1
	E. Promoting human rights education	1
	F. Improved water, sanitation and hygiene	1
	G. Combating HIV/AIDS	1
	H. Girls' participation	1
	I. Improving the health status of the girl child	1
	J. United Nations collaboration in support of the girl child	1
IV.	Efforts to support the abandonment of female genital mutilation/cutting	1

I. Introduction

1. The present report is submitted in accordance with General Assembly resolution 62/140, entitled "The girl child", in which the Secretary-General was requested to submit a report to the Assembly at its sixty-fourth session on the implementation of the resolution, including an emphasis on ending female genital mutilation, with a view to assessing the impact of the resolution on the well-being of the girl child. For the purpose of its preparation, note verbales requesting relevant information on the implementation of resolution 62/140 were sent to Member States[1] and United Nations agencies, programmes and departments.

2. The present report follows up the report submitted by the Secretary-General to the General Assembly at its sixty-second session (A/62/297), which focused on activities and normative developments stemming from the human rights system, and aims at conveying problems and legislative principles, but also progress and challenges. Section II of the present report provides an overview of the existing international and regional legal framework with respect to the rights of the girl child and key obligations and commitments of States in this regard. Section III addresses progress and obstacles with respect to areas raised in resolution 62/140 and section IV focuses in further detail on female genital mutilation.

II. Legal/normative framework and global commitments

A. Human rights treaties and other international conventions

3. There is today a long-standing comprehensive international legal framework establishing the obligations of States regarding the human rights of the girl child. In addition to the Convention on the Rights of the Child that provides a comprehensive set of rights to be enjoyed "without discrimination of any kind", including discrimination on the grounds of sex, all fundamental human rights treaties include provisions confirming the principle of non-discrimination and equality between men and women, boys and girls. Of particular importance in this regard is the Convention on the Elimination of All Forms of Discrimination against Women, which, while focusing on women, has a direct bearing on the situation and well-being of the girl child.

4. In addition to the fundamental human rights treaties, legal obligations stem from legally binding labour law instruments, including the following International Labour Organization conventions: 1973 Minimum Age Convention (No. 138); and the 1999 Worst Forms of Child Labour Convention (No. 182). This comprehensive legal framework for children's rights in general and the girl child's in particular is further strengthened by regional human rights instruments, such as the 2005 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

5. Since the previous report of the Secretary-General (A/62/297), it should be noted that the most recent human rights treaty, namely, the Convention on the Rights

[1] The following States have submitted information: Bulgaria, Cyprus, Finland, Japan, Latvia, Lebanon, Mexico, Moldova, Spain, Suriname and Switzerland. Their contributions have informed the content of the present report.

of Persons with Disabilities which entered into force in May 2008, includes specific language not only with respect to children in general in article 7, but to the girl child in particular. In its article 6, the Convention provides that "States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms".

6. Normative developments during the reporting period include the adoption in 2009 by the Committee on the Rights of the Child of its General Comment No. 12 on the right of the child to be heard, elaborating on the interpretation and contents of Article 12 of the Convention on the Rights of the Child. In paragraph 75, the General Comment explicitly recalls the inherent right to non-discrimination as guaranteed by all human rights instruments and that: "States parties shall take adequate measures to assure to every child the right to freely express his or her views and to have those views duly taken into account without discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." In paragraph 77, the Committee specifically "urges States parties to pay special attention to the right of the girl child to be heard, to receive support, if needed, to voice her view and her view be given due weight, as gender stereotypes and patriarchal values undermine and place severe limitations on girls in the enjoyment of the right set forth in article 12".

7. In its 2009 General Comment No. 20 on non-discrimination in economic, social and cultural rights (art. 2, para. 2), the Committee on Economic, Social and Cultural Rights specifically refer to the girl child with respect to obligations for States parties to ensure non-discrimination both formally and substantively in the context of enjoyment of rights under the Covenant, stating in paragraph 8 (b) that: "States parties must [...] immediately adopt the necessary measures to prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination. For example, ensuring that all individuals have equal access to adequate housing, water and sanitation will help overcome discrimination against women and girl children and persons living in informal settlements and rural areas."

B. International conferences, intergovernmental bodies and related commitments

8. In addition to international legally binding instruments ratified by States, Member States have also made far-reaching commitments to eliminate discrimination against the girl child in the context of world conferences and other international forums. The United Nations Fourth World Conference on Women held in Beijing in 1995 was the first to include a specific segment on the girl child, with a specific chapter in its subsequent Platform for Action.[2] This included strategic objectives on issues, such as the elimination of all forms of discrimination against the girl child and negative cultural attitudes and practices against girls, the promotion and protection of the rights of the girl child, including those related to

[2] See *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chapter I, resolution 1, annex II.

education, health and nutrition, child labour, violence and participation in social, economic and political life.

9. In its resolution 62/140, the General Assembly reaffirmed other outcomes of major United Nations summits and conferences relevant to the girl child, including: the outcome of the twenty-third special session of the Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century",[3] the Programme of Action of the International Conference on Population and Development,[4] the Programme of Action of the World Summit for Social Development,[5] and the Dakar Framework for Action, adopted at the World Education Forum in 2000.[6] These documents include additional commitments made by States to end discrimination and promote the well-being of the girl child.

10. As mentioned in the previous report of the Secretary-General (A/62/297), as a follow-up to the twenty-seventh special session of the Assembly on children, at which it was recognized that achieving the development goals for children, particularly girls, was contingent upon, inter alia, women's empowerment, the Commission on the Status of Women decided to consider "the elimination of all forms of discrimination and violence against the girl child" as the priority theme at its fifty-first session, within its agreed programme of work for 2007-2009.[7] The Secretary-General submitted two reports to the Commission at its fifty-first session, namely, the report of the Secretary-General on the elimination of all forms of discrimination and violence against the girl child (E/CN.6/2007/2) and the report of the Secretary-General on progress in mainstreaming a gender perspective in the development, implementation and evaluations of national policies and programmes, with a particular focus on the elimination of all forms of discrimination and violence against the girl child (E/CN.6/2007/3). In this context, the Commission on the Status of Women at its fifty-first session, adopted its resolutions 51/1 on women, the girl child and HIV/AIDS, 51/2 on ending female genital mutilation, and 51/3 on forced marriage of the girl child, calling upon all States and organizations of the United Nations system to strengthen advocacy and other measures to address all forms of violence and other forms of discrimination against the girl child.

III. Persisting discrimination and efforts made to improve the situation of the girl child

A. Poverty and the impact of crises

1. Global economic crisis

11. Poverty hits children the hardest, threatening their survival and development, their right to health, adequate food and nutrition, and education. It also has a negative impact on their right to participation, and to protection from violence, harm

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[3] Resolution S-23/2, annex, and resolution S-23/3, annex.

[4] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chapter I, resolution 1, annex.

[5] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chapter I, resolution 1, annex II.

[6] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

[7] See Economic and Social Council resolution 2006/9, para. 23 (*a*).

and exploitation. Economic crises can exacerbate the impacts of poverty on the lives of children, particularly girls, who are highly vulnerable to their negative effects.

12. In previous financial and economic crises, including in Asia and Latin America during the 1980s and 1990s, child mortality rates rose and school enrolment dropped. Past crises have also witnessed higher levels of crime and violence, child labour and other forms of hazardous work, including sex work, and infants being placed in institutions. Already limited legal benefits and protection, lack of decision-making authority and limited control over financial resources are likely to leave girls and women even more vulnerable to the impact of crises than boys and men.[8]

13. In her recent report to the Human Rights Council (A/HRC/11/6), the Special Rapporteur on violence against women, its causes and consequences elaborates in-depth on how "the current political economic order, too often neglected in the analyses of women's human rights, profoundly affects both the prevalence of violence against women and efforts to eliminate it". She highlights, with reference to the economic crisis, that "under such conditions marked by insecurity and unemployment, men may become dispossessed and dislocated; conditions under which masculinities and power relations get altered. This may heighten aggression against women and children in the home and in public spaces, compensating for the loss of control", affecting the girl child.

14. There are already indications that the current global economic crisis is causing increases in poverty and malnutrition.[9] However, the full impacts of the global slowdown on children and girls have yet to be fully felt in developing countries since they are only beginning to unfold, severely threatening progress in girls' enjoyment of their right to health, education and adequate food, potentially leaving them with the long-term mental and physical repercussions of malnutrition. As Government expenditures to ensure the enjoyment of the rights to health and education fall, the burden is often shifted to households, in particular to women and girls. As household incomes fall, women can often be forced to take on low-status and temporary jobs, in addition to their other responsibilities.

15. There have been successful examples of special measures taken to mitigate the impact of economic crises on women and girls, including maintaining necessary social sector expenditures and implementing social protection policies to ensure their rights to health care, education and maternal health services. In Argentina, for example, Government health expenditures were maintained and infant mortality did not increase during the financial crisis of the late 1990s. In response to the Indonesian financial crisis of 1998, the Government put in place scholarships for poor children, which prevented service use from falling as much among recipient households as it did among non-recipient households. Primary school enrolments in Ghana rose after user fees were abolished in 2005 as part of a broader programme to dampen the economic effects of fuel price reform. Even prior to the current crisis, cash transfers to poor households and improvements in formulating, implementing

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[8] See also press statement by the Committee on the Elimination of All Forms of Discrimination against Women, released on 6 February 2009, "United Nations committee concerned by impact of financial crisis on rights of women and girls", available from www.ohchr.org.

[9] See World Bank, *Global Monitoring Report 2009: A Development Emergency* (Washington, D.C., 2009; *United Nations World Economic Situation and Prospects* (mid-2009 update).

and monitoring national budgets for gender equality in Mexico had helped to protect women and children and reduce infant mortality.

16. A gender-sensitive response to the current economic crisis is essential. National commitments that support and protect girls' rights through basic health care and nutrition, clean water, basic education, child protection services and aid flows must be upheld and, where possible, expanded. Responses, including in the form of special measures, focused on the most marginalized and vulnerable, should be introduced, when appropriate, to ensure the enjoyment and protection of the rights of children and other highly affected groups in society. For long-term sustainability, widespread and entrenched discrimination and inequality needs to be fundamentally addressed since these constitute obstacles to the inclusion of women in the formulation of relevant policies, which therefore tend to neglect the rights and needs of women and girls.

17. Investing in and ensuring human rights for girls and women is not only a legal and moral obligation but is also likely to prevent intergenerational cycles of poverty and yield high economic and societal returns. Maintaining national commitments to children and women and enhancing social protection will not only help to ensure a more rapid recovery from the crisis but will also build a foundation for equitable growth and sustained progress towards the Millennium Development Goals.

2. Food crisis

18. The impacts of the global economic crisis have been compounded by food and fuel price instability. With food prices across the world rising sharply over the past two years, young girls and boys living in developing countries have faced growing vulnerability to food and nutrition insecurity, with potential negative long-term consequences for the enjoyment of human rights and related survival, growth and development. Young girls whose growth is stunted before the age of two are at increased risk of giving birth to low-birthweight babies in the future, perpetuating the impact of nutritional deprivation across generations. Adolescent girls are at a higher risk of anaemia and of later experiencing related complications during pregnancy and childbirth.

19. Specific information on the impact of the food crisis is still being collected and analysed. The United Nations Children's Fund (UNICEF) estimates that approximately 150 million girls and boys under the age of five in the developing world are underweight and the growth of approximately 170 million is stunted. The indicators exhibit negligible differences as a whole between boys and girls aged under five. In addition, where sex-disaggregated coverage/practice data for selected nutrition programmes (such as vitamin A supplementation and exclusive breastfeeding) exist, there do not appear to be differences between girls and boys.

20. Further disaggregation of data from some countries, however, shows that there may be differences in the feeding and care of girls compared with boys. Power relations and social norms that perpetuate discriminatory attitudes and practices may lead to different feeding practices towards young girls and young boys, with data in some countries pointing to the possible effects, such as boys being significantly taller relative to their age than girls.

21. In responding to the food crisis, several United Nations and non-governmental organizations, including UNICEF, the World Food Programme (WFP) and Médecins

sans frontières, have contributed to meeting the immediate needs and protection of the most vulnerable — primarily young girls and boys and pregnant and lactating women — in more than 30 of the highest risk countries. These responses have built upon ongoing priority nutrition programmes and are increasingly incorporating context-specific measures to address inequalities between girls and boys in the enjoyment of the right to adequate food.

22. There is a need to translate findings into specific programme responses adapted to local contexts and to ensure that a gender perspective is integrated. Information and awareness efforts towards behaviour and social change on nutrition should be tailored to address gender issues affecting feeding, care and access to health services. This will help to ensure equal potential for girls and boys to benefit from the interventions.

B. Preventing abuse, exploitation and violence

23. Abuse, exploitation and violence continue to affect millions of girls, despite progress to protect them. The United Nations study on violence against children estimates that 150 million girls and 73 million boys under 18 have experienced forced sexual intercourse or other forms of sexual violence involving physical contact. Staggering numbers of children worldwide — an estimated 90 per cent of whom are girls — work as household servants. More than one third of young women aged 20 to 24 in developing countries reported that they were married or in union by age 18, mainly in South Asia and sub-Saharan Africa.

24. Girls are trafficked mainly for commercial sexual exploitation and domestic service, the hidden circumstances of which put them at greater risk of violence. Furthermore, when detained, girls are often mixed with adult populations, rendering them particularly vulnerable to abuse. As victims and witnesses to a crime, girls require specific consideration throughout judicial procedures, as is reflected in the United Nations Economic and Social Council resolution 2005/20 on guidelines on justice in matters involving child victims and witnesses of crime.

25. Institutionalization of children poses a particular risk for their developmental outcomes, such as physical, emotional and cognitive development. Children with disabilities are more likely to be institutionalized and are uniquely at risk of human rights violations, including through violence, abuse, exploitation and neglect since they may have difficulty defending themselves and their rights or reporting an abuse. Violence against disabled children occurs at annual rates at least 1.7 times greater than their non-disabled peers. It is important to note that in some societies, there are also gender differences, with disabled girl infants and girl children more likely to die through "mercy killings" than are boy children of the same age with comparable disabling conditions.

26. The study on violence against children also highlighted that the persistent social acceptance of violence against children is a major factor in its perpetuation in almost every State. Female infanticide, prenatal sex selection and female genital mutilation/cutting[10] directly affect girls, while child marriage, rape, domestic

[10] The terminology "female genital mutilation/cutting" is used in the present report to reflect the importance of using non-judgmental language in social contexts where it is deemed to be a necessary part of a girl's upbringing, while retaining the word "mutilation", which emphasizes the gravity of the act.

violence, commercial sexual exploitation and child pornography affect girls more than boys. Acceptance of these forms of violence against girls and the corresponding lack of accountability and impunity reflect discriminatory norms that reinforce the lower status of girls in society. The role of social norms in both the persistence of human rights violations and their abandonment has recently been elucidated by analysis of household survey data from the Demographic and Health Surveys and Multiple Indicator Cluster Surveys, analyses of programme interventions and developments in social science.

27. Following the adoption of the resolution concerning statistics of child labour by the 18th International Conference of Labour Statisticians in 2008, household chores are now included in the new statistical definition of child labour. This redresses the absence of girls in child labour statistics and, consequently, in development responses and planning. While household surveys provide valuable data regarding some forms of violence against girls, collecting reliable data on the number of girls affected by armed conflict, sexual exploitation, domestic violence, human trafficking and child labour remains difficult owing to the illegality and social acceptance in many instances of these forms of violence.

28. State actions supporting the growth and development of the girl child must include legislative measures addressing all forms of discrimination against girls and women, including ensuring their human rights related to health, education and social services. The need for a network of support and protection based on an integrated system of laws, policies, regulations and services is reflected in the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008). This is a recent example of governmental commitment to specific, time-bound goals to prevent and respond to the abuse and exploitation of children and adolescents. The system, while protecting all children, must also consider those at particular risk and should be sensitive to the situation of the girl child. The systemic approach should also recognize that a girl child may be exposed to more than one source of risk within public and private spheres.

29. To be effective, State action must, in addition to implementing legal measures, acknowledge the persistent social acceptance of practices that violate the rights of girls. It must include measures that promote dialogue and social change, with appropriate budget allocations. An example is the Sudanese campaign launched in March 2008, "Every girl is born saleema". It stresses the value of girls, encouraging individuals, families and communities to support their full development by adding their signature to a long list of supporters. In Egypt, the national plan of action includes a campaign promoting the rights of girls and a holistic community-level programme that promotes discussion of positive conceptions of the status of girls and empowers communities to challenge discriminatory social norms.

C. Protecting girls in conflict situations and humanitarian crises

30. Over 1 billion children live in areas in conflict or emerging from war, of whom an estimated 18 million are refugees or internally displaced.[11] Girls and boys are victims of grave human rights violations, such as in the context of recruitment and use by armed forces and armed groups. Children living in war-affected contexts are

[11] UNICEF, *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World* (April 2009), p. 19.

less likely to be in school or have access to clean water and basic sanitation, and are at increased risk of hunger and disease.

31. The negative impacts of wars, natural disasters and related crisis situations are highly gendered. For example, in armed conflict, boys and girls are forcibly recruited into armed groups; boys may be forced to commit atrocities, girls may become "bush" wives. It remains difficult, however, to systematically identify girls associated with armed forces and armed groups. Both boys and girls are at risk of rape and forced prostitution, but the girl child is more likely to be targeted. Forced pregnancy and sexual slavery are often the consequences of conflict.

32. Challenges to protecting the rights of the girl child in pre-conflict, conflict and post-conflict environments stem from a combination of pre-existing inequalities between women and men, girls and boys, along with weaknesses in child protection systems. Impunity for crimes against women and girls is widespread in many conflict situations since gender-based crimes fail to be prosecuted. In times of conflict, girls are more likely to face limited access to basic rights and services, such as health and education. Women and girls also have more difficulties accessing justice and legal remedies for crimes committed against them in times of war, not least due to inequality and discrimination in the economic and social spheres.[12]

33. The international response to protecting women, men, girls and boys affected by armed conflict has improved. In its resolution 1325 (2000), which addresses women and peacebuilding, and 1820 (2008), which addresses sexual violence in armed conflict, the Security Council highlights issues of gender in emergencies. In its resolution 1612 (2005), which addresses children affected by armed conflict, the Council makes reference to a monitoring and reporting mechanism to monitor grave violations against children. In 2006, the Inter-Agency Standing Committee introduced a gender handbook for humanitarian action, which provides practical guidance to programmers. Furthermore, in 2008, UNICEF launched a global initiative to promote gender equality across all sectors of humanitarian action.

34. Efforts at the policy level to put an end to exploitation and abuse by United Nations personnel have included a statement of commitment on eliminating sexual exploitation and abuse by United Nations and non-United Nations personnel and General Assembly resolution 62/214 (2007), in which the Assembly outlines a comprehensive strategy for the provision of assistance to victims of sexual violence and exploitation by United Nations staff and related personnel.

35. While progress has been made in the development of normative frameworks and standards, further efforts are needed to make them increasingly gender sensitive, to ensure compliance, to fight impunity, and to protect the rights of and improve the lives of girls affected by armed conflict. Gender equality programming must be explicitly incorporated in and accounted for in each phase of an emergency — in preparedness, response and post-crisis recovery — and should cut across sectoral areas. There is a need for more gender-sensitive peace agreements and recovery frameworks and the participation of women in their negotiation and elaboration, to address both the violation of rights and the needs of girls and

[12] See expert legal position papers: "The prosecution of sexual violence in conflict: the importance of human rights as means of interpretation", by Patricia Viseur Sellers; and "The protection of economic, social and cultural rights post-conflict", by Professor Christine Chinkin, December 2008, available from www2.ohchr.org/English/issues/women/papers_access_to_justice.htm.

women. In order to ensure that the rights of the girl child are realized, it is important that national capacity development initiatives enhance knowledge and the practice of gender equality and human rights in legal and judicial systems.

D. Promoting girls' education

36. The education of girls is critical to the attainment of the Millennium Development Goals, having cascading benefits that have an impact on reducing poverty, improving maternal and child health, halting the spread of deadly diseases, promoting environmental sustainability and empowering women. Educating girls is also an important preventive strategy against violence, exploitation, abuse and harmful traditional practices. Nevertheless, of the 101 million children worldwide of primary school age that UNICEF estimates were not in school in 2007, over half were girls, the majority from sub-Saharan Africa and South Asia.

37. Significant strides have been made at country level through a combination of approaches, including strong national leadership and political will, the development of comprehensive national education policies and plans and the effective mobilization of resources. The United Nations Girls' Education Initiative, launched in 2000 at the World Education Forum, has proved effective in galvanizing support around these approaches. As a partnership that embraces Governments, civil society organizations, the private sector and the United Nations system, the Initiative assists Governments to fulfil their obligations to ensure the right to free and compulsory education and gender equality.

38. In 2008, Initiative partnerships were formally recognized in 41 out of 147 reporting developing countries. Innovative interventions from country-level partnerships of the Initiative focused on research studies (Madagascar and Viet Nam), policy development (Burundi and Rwanda), policy advocacy (Nepal), campaigns to build national consensus around social change in favour of girls' education (Yemen), gender audits (Bosnia, Cambodia, Georgia, Malawi, Serbia, Turkey, Uganda, Uzbekistan and Zimbabwe), mentoring and peer support initiatives (Madagascar), and incentives for high-performing students (Sierra Leone).

39. In addition to the United Nations Girls' Education Initiative, results have also been achieved through a wide range of other mechanisms. For example, in Nigeria and Pakistan, interventions were implemented in multilateral partnerships among the Government, the United Kingdom Department for International Development and UNICEF. Bilateral assistance has been an effective mechanism for support; for instance, Japan identifies assistance for girls' education as a priority area in its Basic Education for Growth Initiative announced in 2002.

40. Girls' education should be made affordable through eliminating fees, providing scholarships and ensuring access to health and nutrition programmes. It is also important that gender analysis be conducted for transformative change and that schools be more girl-friendly, with the provision of separate toilets, the elimination of gender stereotypes in the curriculum and materials and the recruitment of female teachers. Situating schools close to home, with community involvement and flexible schedules, makes schools more accessible for girls.

E. Promoting human rights education

41. Human rights education has the potential to improve the situation of the girl child, but in many countries it has not been given adequate attention. Such education needs to be conducted within the human rights-based approach framework to and within education. This necessitates access to education, quality of education and respect in the learning environment. In this regard, human rights education should also be addressed within the broader efforts of life skills-based learning programmes, which enhance participation, promote the agency of both girls and boys and recognize them as active contributors to their learning.

42. Initiatives are being undertaken to incorporate a human rights-based approach within education policies and programmes. In Egypt, for example, UNICEF partners with the Ministry of Education on a community school project that aims to increase access and improve quality of learning for girls in underserved areas, raise community awareness and improve attitudes towards educating children, especially girls.

F. Improved water, sanitation and hygiene

43. Water, sanitation and hygiene are factors that affect girls in many aspects of their lives. Women and girls are the main carriers of water and are therefore most affected when there is lack of access. Time spent fetching water is time away from school, play, rest, relaxation and a fulfilling childhood. Carrying heavy loads of water over long distances can also cause problems to physical development over time. Furthermore, the personal security of girls is put at risk when walking far from home to fetch water.

44. In her recent report to the Human Rights Council (A/HRC/12/24), the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation underlined that the disproportionate impact on girls and women of lack of access to sanitation includes: increased school drop-out rates for girls when their menstruation begins, due to frequent lack of appropriate school sanitation facilities; or women and girls, within defined gender roles, often being the ones to stay home and care for relatives with sanitation-related diseases.

45. Over 2.5 billion people still lack access to improved sanitation facilities and of these, 1.2 billion do not have any facility at all. The lack of access to safe and private toilets is particularly problematic for girls, resulting in their having to go to unsafe places at night to avoid being seen. The difficulties faced by girls due to poor access to water supply and sanitation are exacerbated during emergencies, when access can become even more of a challenge, health is at greater risk and personal security for girls is highly compromised.

46. The state of the water supply and sanitation facilities at schools has a significant impact on educational achievements of girls. According to a survey carried out by UNICEF in 60 countries, fewer than half of primary schools have an adequate water supply and almost two thirds lack adequate toilets. Many schools do not have separate toilets for girls and boys, which can lead to girls feeling unsafe and being harassed or sexually abused, and girls who miss one week a month during menstruation may drop out permanently.

47. Because of widespread and entrenched discrimination, girls and women are often left out of the decision-making processes in general, including for water and sanitation, despite the fact that they are the primary users. As a result, elaborated policies and installed facilities often do not meet their rights and requirements.

48. Initiatives to improve water and sanitation facilities in homes, communities and schools, and to improve girls' knowledge and understanding of hygiene issues have positive outcomes in terms of girls' health, educational achievement and empowerment. Ensuring good hygiene education in schools helps girls to be better prepared to look after their own health and the health of their families in the future. It is an effective investment for reducing child mortality on a long-term basis. Experience has shown that girls who have been involved in community water, sanitation and hygiene initiatives have been motivated to tackle other social issues, including early marriage, child abuse, substance abuse and HIV/AIDS. Opportunities for increased participation of girls in water, sanitation and hygiene projects have been made through such initiatives as the creation of school water, sanitation and hygiene clubs and by encouraging girls to act as community advocates for hygiene improvement.

G. Combating HIV/AIDS

49. HIV affects girls and women disproportionately: of 5.5 million young people living with HIV between the ages of 15 and 24 years in 2007, 3.4 million were female and the bulk of those infections were among young women in sub-Saharan Africa. Many girls also devote a significant amount of time caring for family members living with AIDS. A recent study in western Kenya found that women are the primary caregivers for bedridden family members. Those findings are borne out repeatedly in various studies.[13,14]

50. Eighty per cent of countries now specifically address women as a component of their national HIV strategy, and 83 per cent of countries report having a policy to ensure equal access for women and men to HIV services, though only about 50 per cent of all countries report budget allocations devoted to HIV-related programmes for women and girls.[15] The gender and social welfare ministries that address the needs of the child and young woman also tend to be the most poorly financed.

51. Bringing treatment costs within the reach of households improves access to treatment. Innovative drug purchasing mechanisms like the International Drug Purchase Facility, working alongside the Clinton Foundation HIV/AIDS Initiative, have recently brought down the price of the most affordable generic second-line drug regimen to $590 annually from $700 in 2008.[16] Integrating primary prevention services into services targeting prevention of mother-to-child transmission of HIV increases access to testing and care and uptake of services.

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[13] See The Global Coalition on Women and AIDS, "Support Women Caregivers: Fight AIDS", 2007.

[14] See Pamela A. Opiyo et al., "HIV/AIDS and home-based health care", *International Journal for Equity in Health*, 7:8 (March 2008).

[15] United Nations General Assembly special session on HIV/AIDS country progress reports, 2008.

[16] "UNITAID and the Clinton HIV/AIDS initiative announce new price reductions for key drugs", 17 April 2009, available from http://www.unitaid.eu/en/20090417198/News/UNITAID-and-the-Clinton-HIV/AIDS-Initiative-Announce-New-Price-Reductions-for-key-drugs.html.

52. To achieve equal access to education, a protective factor against HIV, the elimination of school fees is a must. This policy has been adopted in Ghana, Ethiopia, Kenya, Malawi and Mozambique. Schools that transform into "Learning Plus" centres, including the delivery of age- and sex-appropriate life skills-based education, have a stronger chance of reaching girls with the information they need to make safer choices in life. As at 2007, under one fifth of females aged 15 to 24 in developing countries had comprehensive and correct knowledge about HIV. Prevention programmes need to address the greater HIV risks to girls of multiple concurrent partnerships, intergenerational sex, transactional sex and violence against women and girls.

53. Nutritional support, alongside treatment, enables the young girl living with HIV to achieve her potential. Points of testing and treatment delivery provide ideal links for identifying those in need of intensive nutritional support. Alleviating dire poverty by instituting unconditional cash transfer programmes improves the family's ability to meet basic daily nutritional requirements and other basic needs. One example is the Mchinji Social Cash Transfer Pilot Scheme in Malawi, associated with a reduction of under-nutrition by 10.5 percentage points between March 2007 and April 2008.[17] Strengthening broader social protection systems can also help to identify and protect girls most at risk, bolstering the resilience of the extended family and reducing the strains of caregiving, improving school enrolment among girls and promoting birth registration and inheritance rights for women and girls.

54. Until such time equitable access to education, health services and treatment, nutrition and protection are available, essential ingredients for the promotion of girls' health and well-being, HIV will continue to change the course of girls' lives for the worse.

H. Girls' participation

55. There have been increased efforts to institutionalize and sustain the meaningful participation of children in policy and practice. Governments have promoted children's participation through the establishment of children's parliaments, councils, associations and projects. In addition, girls and boys have taken part in equal numbers in two recent United Nations studies: the United Nations study on violence against children and the Machel study 10-year strategic review, sharing their experiences and recommendations.

56. Despite the increased focus on children's participation, respect for children's views within the family, school, communities and institutions continues "to be impeded by many long-standing practices and attitudes, as well as political and economic barriers", as noted by the Committee on the Rights of the Child in General Comment No. 12 (2009) on the right of the child to be heard. This remains a significant challenge since participation is also a means for securing all other children's rights to survival, protection and development. More specifically, the equitable participation of girls has not been achieved in many countries due to negative patriarchal attitudes and behaviours and rigid forms of gender socialization (see also para. 6 above).

[17] Save the Children UK, *Lasting Benefits: the Role of Cash Transfers in Tackling Child Mortality* (Save the Children, London, 2009).

57. A growing number of participatory programmes are using a gender approach, recognizing the specific realities facing girls and engaging both boys and girls in questioning rigid and discriminatory gender socialization and norms. This involves creating an environment conducive to meaningful girls' participation through sensitization and education of parents and communities. In Malawi, for example, the Ministry of Education launched the "Sisters-to-sisters" project focusing on girls aged 15 to 17 and involving older sisters as a credible source of reproductive health information and providing a life skills education package. An adolescent girls project in Bangladesh empowers adolescent girls to participate in decisions that affect their lives, in particular in combating the traditions of early marriage and dowry. There has also been a greater focus on engaging vulnerable and marginalized groups of boys and girls including children living with disabilities, children belonging to ethnic minorities and children exposed to or at risk of sexual exploitation.

I. Improving the health status of the girl child

58. Adolescent girls bear a significant proportion of the global burden of maternal mortality and an increasingly disproportionate burden of HIV, tuberculosis and malaria infections, Goals 5 and 6 of the Millennium Development Goals. A key determinant of the health status of the girl child is gender inequality and discrimination, which influences her access to nutrition and health care from a very early age and is at the root of harmful practices, such as female genital mutilation/cutting early marriage and adolescent pregnancy, linked to complications that impact the health and well-being of the girl child throughout the life cycle.

59. Progress has been made in the establishment of global initiatives to support countries in strengthening the capacity of national health systems to achieve the Millennium Development Goals related to health, including mobilization of the required resources to improve maternal and child health, especially that of the girl child and to provide equitable access to care. These include advocacy for gender mainstreaming in health programming, support for the abandonment of female genital mutilation/cutting and initiatives for the prevention and treatment of obstetric fistula, HIV prevention in adolescents and the prevention of mother-to-child transmission of HIV. Global initiatives increasingly supporting these efforts include the health system strengthening investments of the Global Alliance for Vaccines and Immunization and the Global Fund to Fight AIDS, Tuberculosis and Malaria; the High-level Taskforce on Innovative International Financing for Health Systems; and the United Nations Population Fund (UNFPA) thematic funds for maternal health, obstetric fistula, reproductive health, commodity security and human resources for health.

60. Recognizing the need for increased action to achieve the Millennium Development Goals, UNICEF, UNFPA, the World Health Organization (WHO) and the World Bank have jointly pledged harmonized support to countries to accelerate progress in achieving the health-related Millennium Development Goals. This support is targeted at 60 countries, with the 25 countries having the highest burden of maternal and child mortality as immediate priorities. Efforts are ongoing to support these countries to review the essential actions needed to accelerate progress in achieving the Millennium Development Goals and to identify the specific support required.

61. Health systems have a critical role to play in addressing the inequities that affect girls. Strong health systems can facilitate access to necessary care by providing essential services for women and girls, including family planning, antenatal, skilled and emergency obstetric care at birth, postpartum care and community-based health promotion and behaviour change communication interventions that are adolescent-friendly and gender-sensitive. They can also ensure a continuum of care through childhood, adolescence and adulthood and from the household to the community to facility levels.

J. United Nations collaboration in support of the girl child

62. United Nations agencies have undertaken a number of initiatives, including joint programmes targeted at the girl child, as outlined in the thematic sections of the present report. In addition, in 2007, six United Nations agencies established an Inter-Agency Task Force on Adolescent Girls with the aim of supporting the United Nations system and Governments to reach marginalized adolescent girls by reorienting existing youth programmes and enhancing United Nations collaboration. Co-chaired by UNFPA and UNICEF, the Task Force includes the International Labour Organization, the United Nations Educational, Scientific, and Cultural Organization, the United Nations Development Fund for Women and WHO. The Task Force supports collaboration at country level with Government ministries, non-governmental organizations and women's and girls' networks to identify marginalized adolescent girls in selected communities and to implement programmes aimed at enabling adolescent girls to claim their full rights and access to social services, particularly education, health care, employment and human development. To guide these joint initiatives, the Task Force produced a joint United Nations programming framework for marginalized adolescent girls that was launched in 2009 during the fifty-third session of the Commission on the Status of Women.

IV. Efforts to support the abandonment of female genital mutilation/cutting[18]

63. Female genital mutilation/cutting is widely recognized as a harmful practice and a violation of the human rights of girls and women. The Special Rapporteur on violence against women, its causes and consequences has continuously addressed the issue (see E/CN.4/2002/83), including in her dialogue with Governments. Due to the powerlessness and suffering involved, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has recently stated that female genital mutilation/cutting also falls within his mandate (see A/HRC/7/3, paras. 50-55). The practice is perpetrated without a primary intention of violence but is de facto violent in nature. It refers to all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons. It reflects deep, rooted discrimination against girls and women, which is profoundly entrenched in social, economic and political structures.

[18] This section is informed in party by the deliberations of the expert meeting on human rights and the abandonment of female genital mutilation/cutting in countries of prevalence and among immigrant communities, held at Geneva on 2 and 3 July 2009.

64. Communities practice female genital mutilation/cutting in the belief that it will ensure a girl's proper marriage, chastity, beauty or family honour. The practice is upheld by a social norm that is so powerful that families have their daughters cut even when they are aware of the harm it can cause. From their perspective, not conforming to the obligation would bring greater harm to the girl and the entire family because of shame and social exclusion.

65. In 2007, WHO published an estimate that 91.5 million girls above 9 years of age live in Africa with the consequences of the practice. In 2005, UNICEF published an estimate that 3 million girls in Africa are at risk of being cut each year. This is significantly higher than the previous often-quoted estimate of 2 million girls per year. Both estimates derive from the analysis of data obtained from nationally representative household surveys. Estimates of prevalence are difficult to obtain for girls and women who have been subjected to the practice in countries of immigration in Europe, North America and Australia or for some countries in East and South Asia where there is documented evidence that the practice exists.

66. Data at the subnational level indicate that the prevalence of female genital mutilation/cutting varies more by ethnicity than by any other variable. Within a country with low national prevalence there may be some ethnic communities with very high prevalence, while in the majority of other communities, it is not practised. Data also indicate that prevalence at the national level has declined somewhat during the past decades although the speed of decline varies significantly among countries. It further indicates that in many places the support for the practice has decreased even though its prevalence remains high. This suggests that changes in individual attitudes are not sufficient for producing behavioural change.

67. Ending female genital mutilation/cutting will contribute to the achievement of several Millennium Development Goals, including Goal 3, on promoting gender equality and empowerment of women, Goal 4, on reducing child mortality, and Goal 5, on improving maternal health. It will also contribute to the implementation of the Convention on the Rights of the Child and of the Convention on the Elimination of All Forms of Discrimination against Women and will respond to the recommendations of the United Nations study on violence against children.

68. Over the past five years, academic research and findings from field experiences have yielded important insights on the social dynamics of female genital mutilation/cutting. It is now widely acknowledged that it functions as a self-enforcing social convention or social norm. In societies where it is practiced it is a socially upheld behavioural rule. Families and individuals uphold the practice because they believe that their group or society expects them to do so. Abandonment of the practice requires a process of social change that results in new expectations on families.

69. In-depth analysis of wide-scale abandonment of the practice has also pointed to the role of human rights discourse in fuelling positive social change. Within practising communities, the fundamental moral norm of doing the best for one's children motivates a parent's decision to perform the procedure since failure to comply risks the daughter's marriageability and brings shame to her and her family. It is this same moral norm that motivates parents to stop cutting, once the possibility of coordinating on a better alternative is introduced by credible figures in a credible manner in the community. When community members discuss and debate alternative perspectives, this moral norm becomes explicit. When integrated with principles of

human rights and social justice, the process is transformative. Communities recognize the rights of girls, and together they are empowered to review, deliberate and change existing discriminatory practices to make them more consistent with the fulfilment of human rights.

70. When human rights education is based on the appreciation of local culture, it expands the capacity of communities to pursue their own basic values and aspirations more coherently. Since these values and ideals tend to be consistent with universal human rights principles, the process does not undermine traditional values but rather adds new dimensions to the discussion. The discussion does not focus on the "eradication" of "bad" traditions, but instead focuses on building a positive vision of girls and women, encouraging their active role in society and enabling them to maintain their traditional values without being subjected to female genital mutilation/cutting. Individuals are not rejecting the bad, but are embracing the good. When the value-based discourse is associated with public commitments that encompass appropriate social networks, it can leverage massive collective change.

71. Because of the specific dynamics which characterize the emergence and disappearance of social norms, female genital mutilation/cutting could disappear rapidly if strategies that are consistent with this understanding are defined and consistently applied.

72. The recognition that female genital mutilation/cutting functions as a self-enforcing social convention or social norm has led to innovative programming efforts. In-depth evaluations and studies of experiences in Burkina Faso, Egypt, Ethiopia and Senegal provide significant evidence that community-led, rapid social change does take place and can be effectively promoted. Specifically, evidence shows that concepts of human rights and social justice may offer an overarching framework to put in motion local dynamics which are contextually sound and culturally respectful. Innovative programmes have also led to declared abandonment of the practice by communities in the Gambia, Guinea, Kenya, Mali, Niger and the Sudan.

73. The social norms perspective is providing insights into the specific challenges of promoting abandonment in communities of immigration. It highlights the challenges faced by families as they try to adjust to a completely different environment and culture, while at the same time trying to preserve essential elements of their own culture. It also highlights the importance of facilitating linkages between communities of immigration and their communities of origin so that positive social change can be built on broad consensus within the larger group.

74. Innovative processes of legal reform are taking into consideration the degree of social acceptance of the practice, aware that if support for the practice is high, legal measures that are solely punitive cannot be enforced. In countries of prevalence as well as in countries of immigration there are now examples of legislation that complement punitive measures with educational activities designed to promote a process of consensus towards abandonment and to provide appropriate services for those affected by the practice. In countries of immigration they include training for health and social workers who may come into contact with women that have been subjected to the practice or girls at risk. Examples can be drawn from Finland, Italy, the Netherlands, Spain and Switzerland. There is also increasing attention to ensuring consistency and complementarity between domestic measures and international cooperation policies.

75. At the global level, in February 2008, the Deputy Secretary-General launched the publication entitled *Eliminating Female Genital Mutilation: An Inter-agency Statement*. It reflects the consensus position of 10 United Nations organizations, based on evidence and sets out the elements of the programming approach to support abandonment of the practice. The UNFPA-UNICEF Joint Programme on the theme "female genital mutilation/cutting: accelerating change" is serving to operationalize the common programmatic approach outlined in the Inter-agency Statement. Launched in 2007, it is currently supporting action in 12 countries in Africa (Burkina Faso, Djibouti, Egypt, Ethiopia, Gambia, Guinea, Guinea-Bissau, Kenya, Senegal, Somalia, Sudan and Uganda) and, if resources become available, will expand to cover five additional countries to achieve its objectives by 2012.

76. The World Fit for Children goal of ending female genital mutilation/cutting by 2010 will go unmet. However, the global goal outlined in the Inter-agency Statement — overall abandonment of female genital mutilation/cutting in one generation, with demonstrated success in many countries by 2015 — can be reached if support and collaboration is strengthened in line with the latest evidence.

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Human resources management

Activities of the Ethics Office

Report of the Secretary-General

Summary

The present report responds to General Assembly resolution 60/254 entitled "Review of the efficiency of the administrative and financial functioning of the United Nations" in which the Assembly requested annual reporting on the activities of the Ethics Office and the implementation of ethics policies. The report is also submitted in the context of Assembly resolution 63/250 of 2008 on "Human resources management" in which the Assembly, having welcomed the establishment of the United Nations Ethics Committee, requested the Secretary-General to include in his report on the activities of the Ethics Office, information on the activities of the Ethics Committee, including a review of any complex ethics issues dealt with by the Committee, if deemed relevant.

The present report covers the period from 1 August 2008 to 31 July 2009.

* A/64/150.

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Contents

I. Introduction

II. Background and general information

III. Activities of the Ethics Office and implementation of ethics policies

A. Standards-setting and policy support

B. Training, education and outreach

C. Advice and guidance

D. Financial disclosure programme

E. Protection of staff against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations

IV. United Nations Ethics Committee

V. System-wide Code of Ethics for United Nations personnel

VI. Conclusion and recommendations

Page
3
3
7
7
9
11
12
16
18
21
22

I. Introduction

1. The present report, the fourth since the establishment of the Ethics Office in January 2006, has been prepared pursuant to General Assembly resolution 60/254, paragraph 16 (i), in which the Assembly requested annual reporting on the activities of the Ethics Office and the implementation of ethics policies, for the consideration and decision of the Assembly, as appropriate, under the agenda item on human resources management.

2. The report is also submitted in response to General Assembly resolution 63/250 entitled "Human resources management", in which the Assembly, having welcomed the establishment of the United Nations Ethics Committee, requested the Secretary-General to include in his report on the activities of the Ethics Office, information on the activities of the Ethics Committee, including a review of any complex ethics issues dealt with by the Committee, if deemed relevant.

3. In this regard, the Secretary-General wishes to submit, through the present report, the system-wide Code of Ethics for United Nations personnel, which has been developed in response to General Assembly resolution 60/1, for the consideration and endorsement by the Assembly.

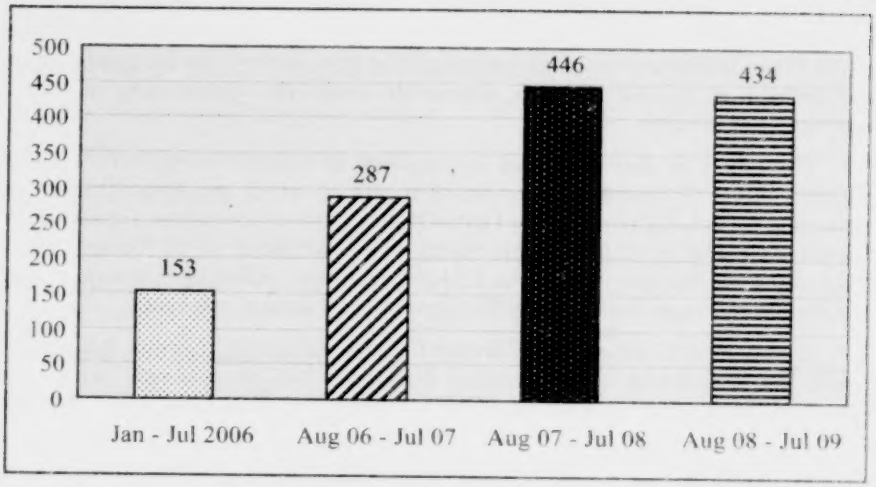
4. In relation to the United Nations Ethics Committee, and in accordance with section 4.3 of Secretary-General's bulletin ST/SGB/2007/11 entitled "United Nations system-wide application of ethics: separately administered organs and programmes", a summary of all cases referred to the Chairperson of the Committee is included in the present report.

II. Background and general information

5. The establishment of the independent Ethics Office in the United Nations Secretariat was approved by the General Assembly at the 2005 World Summit (resolution 60/1, para. 161 (d)), in the context of the overall Secretariat and management reform initiatives. The Office commenced operation on 3 January 2006.

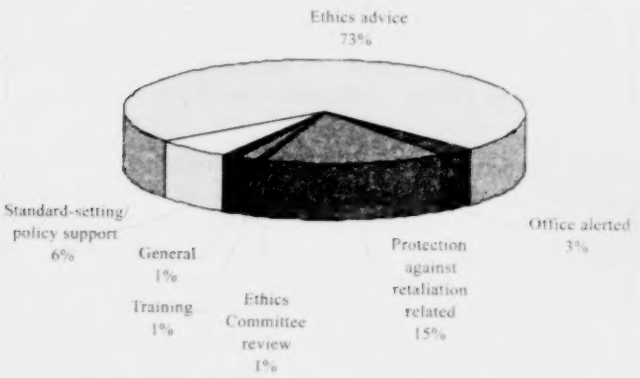
6. During the current reporting period from 1 August 2008 through 31 July 2009, the Ethics Office continued to receive a significant volume of demand for its services, with a total of 434 requests, covering a broad range of ethics issues, from outside activities, gift acceptance, policy advice, standard-setting support, to financial disclosure and protection against retaliation. Figure I shows the comparison of the corresponding figures for the period 2006-2009.

Figure I
Volume of requests by reporting cycle
(January 2006-July 2009)



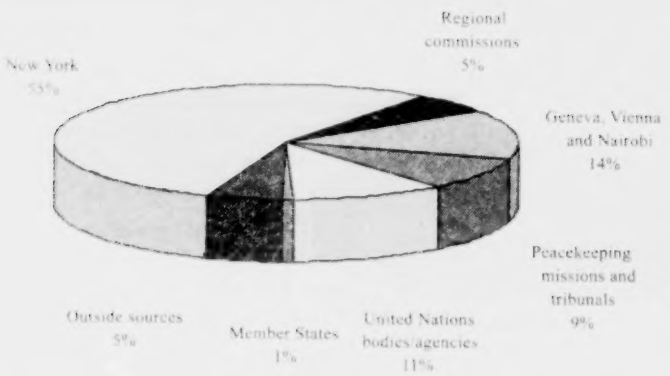
7. Figure II provides the breakdown of requests by category for the current reporting period.

Figure II
Volume of requests by category
(1 August 2008-31 July 2009)



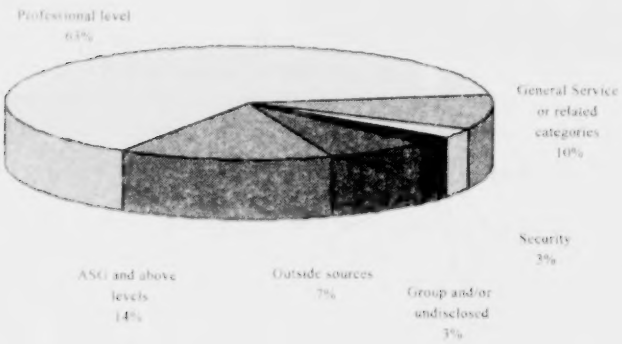
8. Requests for Ethics Office services came from diverse geographical and organizational sources, as illustrated in figure III below. The majority of requests for services of the Ethics Office came from New York-based personnel (55 per cent). As compared with the previous reporting period, service demand increased slightly from United Nations bodies and agencies (from 9 to 11 per cent) and from staff serving at the United Nations Offices at Geneva, Vienna and Nairobi (from 11 to 14 per cent).

Figure III
Volume of requests by source
(1 August 2008-31 July 2009)



9. In terms of the professional grade of enquiring personnel, the Ethics Office delivered its services to staff and management at various levels across the Secretariat. As shown in figure IV, requests from Professional staff account for 63 per cent of the total volume, representing an increase of 3 per cent compared to the previous reporting cycle. It is noteworthy that the demand from senior managers at the Assistant Secretary-General level and above, as well as from the General Service and related categories remained at comparable levels (14 per cent and 10 per cent of the total volume, respectively).

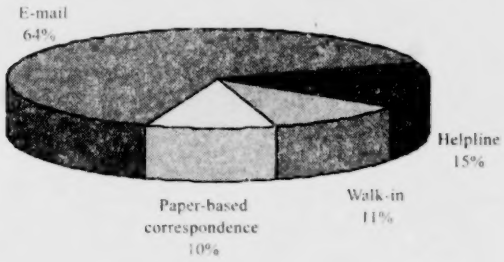
Figure IV
Volume of requests by grade
(1 August 2008-31 July 2009)



10. Regarding the mode of contact with the Ethics Office, 64 per cent of the requests were received via e-mail correspondence, 15 per cent via the helpline, 11 per cent as walk-in visits, and 10 per cent through paper-based correspondence,

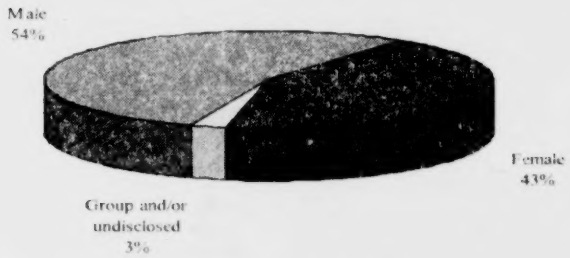
as illustrated in figure V. The data suggests that email correspondence continued to be the preferred mode for the majority of personnel to contact the Ethics Office.

Figure V
Volume of requests by mode of contact
(1 August 2008-31 July 2009)



11. It should also be noted that more than half of the requests for ethics services came from male personnel (54 per cent), while the corresponding figure for female personnel was 43 per cent (see figure VI).

Figure VI
Volume of requests by gender
(1 August 2008-31 July 2009)



12. The Ethics Office attaches great importance to risk assessment and security of information which are cornerstones to ensure its effective functioning, in view of the confidential nature of its work and the information it handles.

13. The Ethics Office requested the ICT Quality Assurance and Risk Management Section of the Information Technology Services Division, Office of Information and Communications Technology to perform a comprehensive risk assessment of the Ethics Office information systems and data. The Quality Assurance team conducted an in-depth risk analysis which was used to determine measures to be implemented

to protect the continued confidentiality, integrity and availability of information and to ensure the continued functioning of information technology systems. Built upon the outcome of the analysis, a report was provided on 24 November 2008. The risk treatment plan of the report included 31 recommendations, all of which are being implemented by the Ethics Office in close cooperation with and supported by the Quality Assurance team.

14. A risk assessment review of the functioning of the Ethics Office was conducted by the Office of Internal Oversight Services (OIOS) in 2008 for audit planning purposes. The OIOS report on the review, issued on 21 November 2008, identified a number of risk levels which have served to assist the Ethics Office in identifying, evaluating and addressing potential exposures to risk.

15. The Ethics Office was included in a horizontal audit of data privacy in the United Nations Secretariat, conducted by OIOS in the course of 2008. The Ethics Office has responded to the recommendations made by OIOS in its draft report on the audit of the Ethics Office prepared in May 2009.

III. Activities of the Ethics Office and implementation of ethics policies

A. Standard-setting and policy support

16. Developing ethical standards is a key function of the Ethics Office, as stipulated in the Secretary-General's bulletin on the establishment of the Office (ST/SGB/2005/22).

17. During the reporting period, the Ethics Office, through the role of its Director as Chairperson of the United Nations Ethics Committee, continued to provide substantive leadership in the development, consultation and finalization of the system-wide Code of Ethics for United Nations personnel. Detailed information regarding this process is provided in chapter IV (United Nations Ethics Committee) and chapter V (system-wide Code of Ethics for United Nations personnel) of the present report.

18. Furthermore, the Ethics Office, as secretariat to the United Nations Ethics Committee, played a key role in the review of existing policies on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations. The review will assist in identifying the gaps in the policies of the Secretariat and United Nations funds and programmes, which are members of the United Nations Ethics Committee, with a view to harmonizing ethical standards in this area.

19. The Ethics Office assisted the Procurement Division in the development of relevant standards and procedures and in the review of cases involving vendors who are under investigation, or have been accused, convicted or involved in litigation in which they are alleged to have engaged or did engage in fraudulent, corrupt or unethical practices. The Director of the Ethics Office will assume the chairmanship of the United Nations Senior Vendor Review Committee, which was announced in July 2009 in implementation of the measures contained in the report of the Secretary-General on United Nations procurement reform (see A/60/846/Add.5 and Corr.1).

20. The Ethics Office provided substantive contributions and support to the International Civil Service Commission (ICSC) on issues relating to the Standards of Conduct for the International Civil Service and the system-wide Code of Ethics for United Nations personnel, including a presentation on the development of the Code of Ethics at the sixty-ninth session of ICSC, held in July 2009. ICSC has decided to undertake an initial review of the Standards of Conduct.

21. The Ethics Office played a key role in the review and revision of Secretary-General's bulletin ST/SGB/2006/6 entitled "Financial disclosure and declaration of interest statements". Consultations on the revised bulletin are currently under way.

22. The policy on the acceptance of gifts has been under review, with a view to updating the relevant standards, taking into account the global nature of the work of the United Nations and evolving demands and circumstances. In this regard, the Ethics Office prepared a draft administrative instruction that addresses the disclosure, storage and, as appropriate, disposal of gifts. The draft document is currently being considered in the formal consultative process.

23. The Ethics Office is a member of an interdepartmental group tasked with preparing the second report of the Secretary-General to the General Assembly on the accountability framework, enterprise risk management and internal control framework and result-based management framework. It has provided substantive input in relation to promoting and safeguarding ethical standards within the accountability framework.

24. Furthermore, the Ethics Office is a member of the Task Force on Investigations of the United Nations Secretariat. The scope of work of the Task Force is to: review all types of investigations being conducted in the Secretariat, other than those conducted by OIOS; make suggestions on the need to improve systems; examine the steps that would be required to implement changes; and determine the terms of reference, which have been requested by the General Assembly in its resolution 62/247. As such, the Ethics Office actively participates in the Task Force.

25. The Ethics Office also regularly provided support to the Management Performance Board of the Secretariat.

26. It should be noted that the main responsibilities of the Ethics Office have been expanded over the course of the period 2008-2009. With the establishment of the United Nations Ethics Committee in January 2008, the Director of the Ethics Office provides functional leadership in his capacity as the Committee Chairperson, and the Office provides full substantive coordination and support as the secretariat to the Committee. Among the additional areas of responsibility is the assumption by the Director of the Ethics Office of the case review function under section 4.3 of ST/SGB/2007/11, as the Chairperson of the United Nations Ethics Committee. Furthermore, in cases of non-appointment or non-designation of an Ethics Officer within a United Nations fund or programme, the responsibilities assigned to that role have thus far been assumed by and added to the mandate of the Office. The expansion in the mandated responsibilities of the Ethics Office has contributed to an increasing work volume, while the resources allocated for it over the biennium have remained the same, thus impacting upon the ability of the Office to respond in a timely manner to the demand for its services.

B. Training, education and outreach

27. The Ethics Office is mandated to develop training and education on ethics issues and, in collaboration with the Office of Human Resources Management, to ensure annual ethics training for all staff, to enhance awareness of ethics, integrity and accountability.

28. The mandatory online learning programme "Integrity awareness initiative" (see ST/SGB/2005/17) is accessible in English and French and directed at staff members at all levels. Since its launch in 2005, over 24,200 staff members and other personnel have completed the programme, of which almost 8,900 in the period from 1 August 2008 to 31 July 2009.

29. The workshop entitled "Working together: professional ethics and integrity in our daily work" continued to be conducted at Headquarters and other offices and duty stations during the period under review, with a roll-out of ethics training and a train-the-trainer exercise at the Economic Commission for Latin America and the Caribbean (ECLAC) in 2008. Capacity is now in place to deliver the workshop in English, French and Spanish. Since its launch in 2006, 9,300 staff members across the global Secretariat have participated in the workshop, of whom over 3,000 staff members participated in 122 sessions in the reporting period.

30. In response to increasing requests, special/customized sessions of the workshop have been integrated into broader training programmes for field-based staff members at different duty stations. In the period under review, such sessions were arranged for the Office for the Coordination of Humanitarian Affairs, the United Nations information centres, the United Nations Environment Programme (UNEP), the United Nations Truce Supervision Organization [Middle East], the Office of the United Nations Special Coordinator for the Middle East Peace Process and the United Nations Interim Force in Lebanon groups in Bangkok, Beirut, Jerusalem, Nairobi, New York and Paris.

31. In order to further expand the coverage of the workshop, a teleconferencing version was tested in June 2009 by ECLAC, linking up staff members in Mexico City with groups in Brasilia and Washington, D.C. The United Nations Office in Vienna, the United Nations Office for Drugs and Crime and the Economic and Social Commission for Asia and the Pacific are expected to build on this first ethics training initiative via teleconferencing to offer sessions of the workshop at their field and regional offices.

32. The customized workshop "Ethics and integrity in procurement", a joint initiative of the Ethics Office, the Office of Human Resources Management and the Procurement Division, continued to be conducted in the reporting period. The workshop is mandatory for staff members of the Procurement Division and is recommended for others with procurement-related responsibilities. Almost 600 staff members had participated in workshops sessions as at 31 July 2009, of whom 120 in the reporting period.

33. Commitment to the integration of ethics training into broader learning initiatives was also reflected in ethics-related programme modules in the following areas: orientation sessions for new staff members, junior professional officers and members of the central review bodies, and in the training programmes on human resources management, supervisory skills and General Service staff development.

34. Great efforts have been made by the Ethics Office in communicating and clarifying its mandates and responsibilities to staff at large, through staff and management briefings, staff orientation, regular trainings and other mechanisms. These are aimed at ensuring that staff members have a clear understanding of the role, functions and jurisdiction of the Ethics Office and its relationship vis-à-vis other offices, such as the Office of the Ombudsman and OIOS.

35. In an effort to reach out to staff based outside Headquarters, the Director of the Ethics Office visited the United Nations Office at Nairobi, UNEP, the United Nations Human Settlements Programme (UN-Habitat) and the Economic Commission for Africa in March and April 2009 and met with management and staff representatives. Town hall presentations were also made to clarify the functions of the Ethics Office in order to help staff better understand the responsibilities and services provided by the Office.

36. During the first half of 2009, the Ethics Office collaborated with the Office of Human Resources Management, the Department of Peacekeeping Operations and the Department of Field Support to provide substantive support for the delivery of an ethics module in the orientation programme for newly created field-based central review bodies to oversee the field staff rostering process. Three sessions were held in the first half of 2009 in Uganda and Haiti at the training facilities of the United Nations Organization Mission in the Democratic Republic of the Congo and the United Nations Stabilization Mission in Haiti for groups of staff members from all Department of Peacekeeping Operations field missions.

37. Briefings and information sessions were held for other departments/offices, including the Office of Legal Affairs, the Department of Peacekeeping Operations (the senior leadership programme), judges of the new administration of justice system, and senior managers of the Department of Economic and Social Affairs of the United Nations Secretariat.

38. In order to keep itself abreast of the current debate, as well as policies and practices on ethics issues beyond the United Nations, the Ethics Office participates in professional associations and attended professional or specialized conferences, such as those organized by the Ethics and Compliance Officer Association, the Conference of Governmental Ethics Laws and the Conference of International Investigators during the reporting period. Its participation in professional or sectoral meetings provided an opportunity to interact with counterparts in other public sector institutions and in the private sector and to learn about best practice principles of an effective ethics programme.

39. Information on ethics policies and the work and services of the Ethics Office is disseminated through various means, including its Intranet website, accessible on iSeek on the website on reform under the Secretary-General (with a page devoted to ethics and integrity) and the distribution of educational and outreach materials developed by the Office.

40. During June 2009, the Ethics Office undertook an awareness and satisfaction survey across the global Secretariat. The purpose of the survey was to gauge staff awareness of the Organization's ethics infrastructure and the functions of the Ethics Office. The survey was intended to help understand the satisfaction level of staff in general with the services rendered by the Office, with a view to strengthening its

responsiveness, especially in reaching out to staff and encouraging greater use of its services.

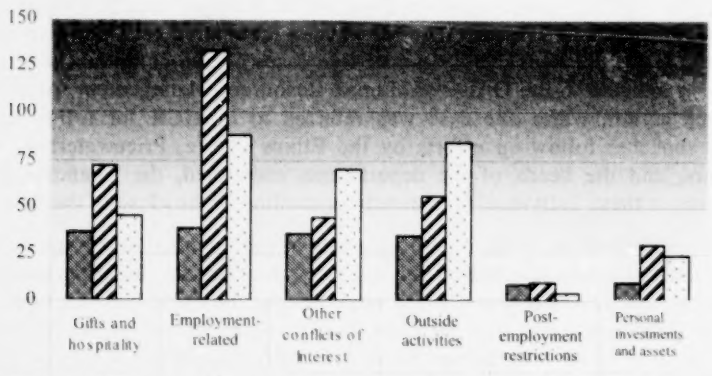
C. Advice and guidance

41. The Ethics Office plays an important preventive advisory role by providing confidential ethics advice to staff, management and departments/offices, as appropriate and required. It serves as an office from which staff and management can seek advice and guidance on appropriate action to be taken under a certain range of circumstances in order to be in line with the Organization's values, principles and standards of conduct.

42. In providing advice and guidance, the Office seeks to prevent, identify or manage actual, apparent or potential conflicts of interest and does not replace existing mechanisms for reporting wrongdoing.

43. During the period under review, the Ethics Office received 315 requests for advice on a wide range of ethics-related concerns. As illustrated in figure VII, these concerns can be grouped into various categories.

Figure VII
Requests for ethics advice by issue and cycle
(1 August 2006-31 July 2009)



44. Ethics advice and guidance may involve clarifying or interpreting the Organization's standards concerning certain outside activities. Based on the facts presented, the Office provides advice and guidance on the appropriate course of action to ensure that the issue is resolved in the interest of the United Nations.

45. In addition, the Ethics Office responded to a number of enquiries from other United Nations entities on information-sharing, best practices, policies, and ethics advice and guidance. These include the United Nations University, the United Nations Population Fund (UNFPA), the United Nations High Commissioner for

Refugees (UNHCR), the World Food Programme (WFP), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the United Nations Framework Convention on Climate Change, the United Nations Development Programme (UNDP), the World Health Organization, the United Nations Office for Project Services (UNOPS), the Food and Agriculture Organization of the United Nations, the United Nations Children's Fund (UNICEF), the International Civil Aviation Organization, the International Atomic Energy Agency, the United Nations Research Institute for Social Development and the Joint United Nations Programme on HIV/AIDS.

D. Financial disclosure programme

46. The Ethics Office is mandated to administer the financial disclosure programme as a means of managing organizational risks and maintaining and enhancing public trust in the integrity of the Organization.

47. For the 2008 filing cycle (beginning on 1 March 2008), a total of 3,118 staff members were required to file, using the established online financial disclosure filing system. The 2008 filing cycle covered the period from 1 January-31 December 2007.

48. As of the programme closing date, a total of 99.16 per cent of staff (or 3,092 participants) had fully complied with filing obligations. This compliance rate represents a significant improvement as compared to the 2007 filing cycle (92 per cent or 2,329 staff members). A total of 0.83 per cent (or 26 participants) failed to fulfil their disclosure requirements, as compared to 7 per cent (172 staff members) in the previous cycle. Twenty-five cases of non-compliant staff members have been referred to the Office of Human Resources Management for appropriate follow-up action, while one case was referred to UNHCR for follow-up action. Despite repeated follow-up efforts by the Ethics Office, PricewaterhouseCoopers reviewers, and the heads of the departments concerned, the financial disclosure statements of these individuals remained outstanding at the close of the filing cycle.

49. The improvement in the compliance rate of the financial disclosure programme may be attributed to a number of factors. First, the tone and importance attached to the programme was established in the beginning of the cycle with a communication from the Secretary-General to all individual participants, outlining the importance and his support of the programme. Second, the full compliance by senior officials at the Under-Secretary-General and Assistant Secretary-General levels demonstrated commitment by the Organization. Third, the Ethics Office increased its follow-up efforts with heads of departments and of participating entities, as well as with individual staff. In addition, the technical enhancements to the system, including the migration of the information of prior year statements to the current year, reduced the amount of time the individual had to spend during the filing process, all of which contributed to facilitating their compliance with programme requirements.

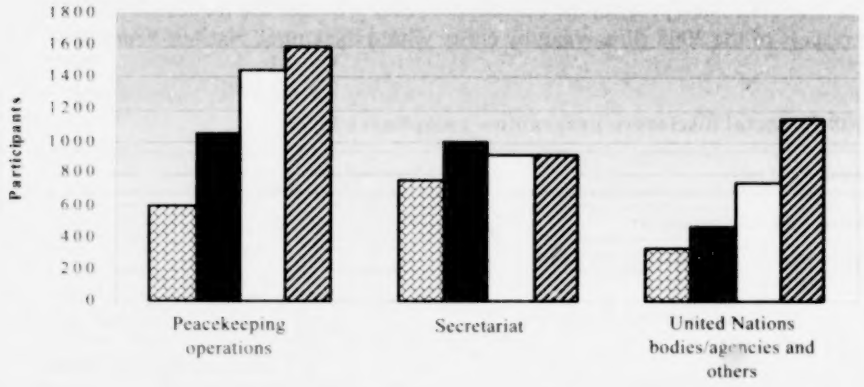
50. In addition to the review process, another important and integral part of the financial disclosure programme, the "verification process", is conducted at random among staff members of all grades and offices, to validate the information disclosed in randomly selected financial disclosure statements and to ensure completeness of the information disclosed. A total of 130 filing staff were selected for the verification process, of which 96 per cent provided complete third-party

documentation by the closing date, as compared to 89 per cent in the previous cycle. However, there was no case of failure to provide third-party documentation as compared to 5 per cent in the 2007 filing cycle.

51. Regarding the 2009 filing cycle (commencing on 1 March 2009), a total of 3,657 staff members were enrolled as of 25 June 2009, representing an increase of 11.7 per cent as compared to the previous cycle.

52. Figure VIII presents a comparison of the participation levels between the four filing cycles of the financial disclosure programme, including a breakdown by organizational grouping. The most notable increases were from peacekeeping operations and United Nations bodies/agencies.

Figure VIII
Financial disclosure participation by entity and filing year (2006-2009)[a]



	Peacekeeping operations	*Secretariat*[b]	*United Nations bodies/agencies and others*	***Total by year***
2006	603	762	339	**1 704**
2007	1 062	997	469	**2 528**
2008	1 449	919	750	**3 118**
2009[c]	1 601	913	1 143	**3 657**

[a] "Filing year" refers to the year in which a disclosure statement or declaration is submitted covering the reporting period from 1 January to 31 December of the prior year.
[b] The grouping "Secretariat" refers to the departments/offices and entities that are listed in ST/SGB/1997/5 and whose budget is covered from the United Nations regular budget.
[c] Data as at 25 June 2009.

53. The continued overall increase in the number of participants in the 2009 filing cycle is likely to reflect a higher level of awareness of programme managers as to the need to reduce organizational risks, manage potential conflicts of interest and enhance trust in the Organization in relation to the performance of official duties and responsibilities by its staff.

54. The financial disclosure programme is administered by the Ethics Office to staff in various parts of the United Nations family on a cost-sharing basis, with the United Nations Institute for Disarmament Research and United Nations Interregional Crime and Justice Research Institute as the latest institutional participants. The Ethics Office continues to liaise with other United Nations bodies and agencies who have not yet implemented a financial disclosure programme, or who are in the process of establishing their own financial disclosure programme in order to enhance policy coherence and practices.

55. In its report on human resources management (A/63/526), the Advisory Committee on Administrative and Budgetary Questions recommended that in future reports on the activities of the Ethics Office, the Secretary-General provide clear and precise data, by duty station, on the number of individuals covered by the programme, the number of individuals who have complied with their filing obligations, the number of individuals who have failed to comply with those obligations and the reasons for their failure to comply. The table on the 2008 financial disclosure programme compliance level provides the requested information in respect of the 2008 filing year, by entity within the United Nations Secretariat.

Table
2008 financial disclosure programme compliance level

United Nations entity	*Required filers*	*Completed filings*	*Non-compliant(s)*
United Nations Secretariat			
United Nations Chief Executives Board for Coordination	1	1	—
Counter-Terrorism Committee Executive Directorate	4	4	—
Department of Disarmament Affairs	6	6	—
Department for General Assembly and Conference Management	31	31	—
Department of Economic and Social Affairs	65	64	1
Department of Management	130	130	—
Department of Political Affairs	33	33	—
Department of Public Information	40	40	—
Department of Safety and Security	10	10	—
Ethics Office	9	9	—
Executive Office of the Secretary-General	29	29	—
Office for the Coordination of Humanitarian Affairs	17	17	—
Office of Internal Oversight Services	13	13	—
Office of Legal Affairs	25	25	—
Office of the Special Representative of the Secretary-General for Children and Armed Conflict	1	1	—
Office of the United Nations High Commissioner for Human Rights	16	16	—
Office of the Ombudsman	2	2	—

United Nations entity	*Required filers*	*Completed filings*	*Non-compliant(s)*
Office of the Special Adviser on Africa	2	2	—
Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States	3	3	—
Peacebuilding Support Office	5	5	—
United Nations Conference on Trade and Development	25	23	2
United Nations Office at Geneva	69	69	—
United Nations Office at Nairobi	44	43	1
United Nations Office at Vienna	10	10	—
United Nations Office on Drugs and Crime	40	40	—
United Nations Scientific Committee on the Effects of Atomic Radiation	1	1	—
Economic and Social Commission for Asia and the Pacific	42	42	—
Economic and Social Commission for Western Asia	29	29	—
Economic Commission for Africa	55	55	—
Economic Commission for Europe	8	8	—
Economic Commission for Latin America and the Caribbean	54	54	—
Subtotal (excluding peacekeeping operations)	**919**	**915**	**4**
Peacekeeping operations	**1 449**	**1 429**	**20**
United Nations agencies/bodies and others	**750**	**748**	**2**
Total	**3 118**	**3 092**	**26**

56. The number of senior United Nations officials (at the Assistant Secretary-General level and above) participating in the voluntary public disclosure programme increased in the reporting period, from 120 in 2007 to 149 in 2008. This most likely occurred because of increased awareness and acceptance of the programme. The 2008 voluntary public disclosures of the Under-Secretaries-General and Assistant Secretaries-General are posted on the Secretary-General's website.

57. In February 2009, the Ethics Office initiated the process of conducting a third-party feasibility study, as requested in the report of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.14), regarding the possible assumption by the Ethics Office of the financial disclosure review functions currently being undertaken by PricewaterhouseCoopers. The objective of the proposed feasibility study is to determine the advantages, disadvantages and costs of the potential assumption of the review functions by the Ethics Office, taking into full consideration the institutional relevance, cost-effectiveness and sustainability, confidentiality, as well as the information management and information technology requirements of the programme at the United Nations. Once available, the findings

and recommendations of the in-depth analysis would be submitted to the General Assembly for consideration.

58. The current contract with PricewaterhouseCoopers ends on 5 December 2009. However, given that a decision from the General Assembly will not be forthcoming before the expiration of the current contract, negotiations between PricewaterhouseCoopers and the United Nations Secretariat are under way regarding a possible extension of the contract, as required.

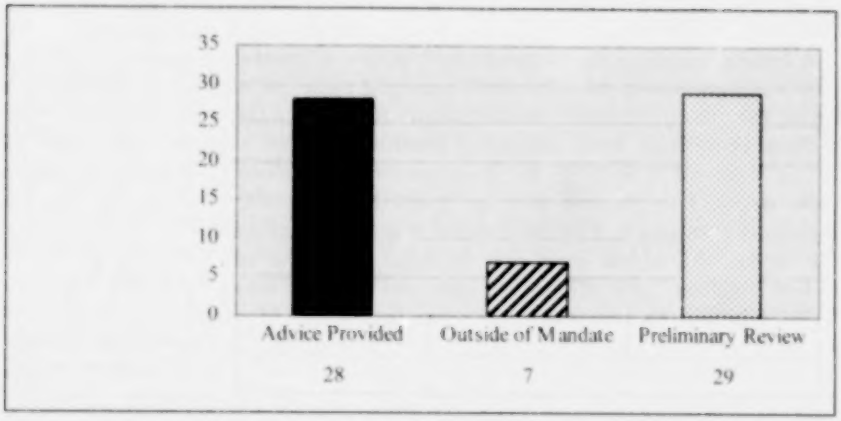
E. Protection of staff against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations

59. The policy on the protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations entered into force on 1 January 2006, with the promulgation of Secretary-General's bulletin ST/SGB/2005/21. The bulletin formalizes protective measures for staff members under threat of, or experiencing, retaliation for duly reporting misconduct or for cooperating with duly authorized audits or investigations. Once a prima facie case has been determined to exist, the policy shifts the burden of proof onto the Organization, requiring the Administration to show that it would have taken the same alleged retaliatory action absent the fact that the individual reported misconduct or cooperated with a duly authorized audit or investigation.

60. From 1 August 2008 to 31 July 2009, the Ethics Office received 64 requests related to protection against retaliation, of which 29 were deemed to warrant preliminary review. The preliminary review process involves a review of documentation submitted by the complainant and fact-finding in order to determine if there is independent and corroborated information in support of the complaint of retaliation. If the Office finds a prima facie case of retaliation, it then refers the matter to OIOS for investigation.

61. It must be noted that, based on its experience during the past three years, the Office has undertaken a revision of the classification of requests related to protection against retaliation in order to capture more accurately the actions taken by the Office in that area. Figure IX provides the numbers for the current reporting cycle based on the revised categorization of the requests.

Figure IX
Actions taken on requests for protection
(1 August 2008-31 July 2009)



62. During this reporting period, of the 29 cases which warranted a preliminary review, the Ethics Office concluded its review of 13 cases: in 10 cases, it was determined that there was no prima facie case of retaliation, while in 3 instances, the requests were either withdrawn or abandoned by the complainants. The preliminary review process is still under way in relation to the remaining 16 cases.

63. Of the remaining 35 complaints, 7 were determined to fall outside the scope of the mandate and 28 staff members were provided with advice and guidance regarding the scope and application of the policy and the necessary conditions precedent to the commencement of a preliminary review, as well as the possible corrective measures available in the event that retaliation is established. During the reporting period, there were also several instances where staff sought advice in relation to a fear of future retaliation for having engaged in a protected activity. It is worth noting that the increase in the number of requests related to the implementation of the protection against retaliation policy (64 requests in the current reporting cycle as compared to 45 requests in the previous cycle), can be largely attributed to the significant rise in the number of instances where staff sought advice from the Office in relation to the policy itself. This increase would seem to indicate a growing interest in and awareness of this part of the Office's mandate.

64. The Office also noted that the majority of matters that fell outside of the Office's mandate, or for which advice was provided, involved reporting abuse of authority, harassment or irregularities in the recruitment, appointment and promotions processes. In addition, the Office observed that there was misunderstanding about what constituted a protected activity, in particular a report of misconduct within the meaning of the bulletin.

65. In the previous cycle, it was reported that 11 cases remained under review and 5 were in the initial assessment phase. Of these cases, 14 were deemed to warrant preliminary review, whereas in 2 cases, the Ethics Office provided advice about the policy itself and the conditions necessary to be eligible for protection against retaliation. Of the 14 cases that warranted a preliminary review, the Office

concluded its review of 10 cases. Of the 10 cases, the Office determined that there was a prima facie case of retaliation in 1 case, which was subsequently referred to OIOS for investigation. In two instances, the requests were either withdrawn or abandoned by the complainants. The preliminary review of the remaining 2 cases is currently in progress.

66. A serious lacuna in the Organization's policy of protection against retaliation has come to light during the 2008-2009 reporting cycle. As mentioned in paragraph 65 above, the Office completed its preliminary review of a complaint received in the 2007-2008 cycle and, after making a determination of a prima facie case of retaliation, referred it to OIOS for investigation. The Office of Internal Oversight Services declined to proceed with an investigation, based upon the operational independence provided to it by the General Assembly in its resolution 48/218 B. The Ethics Office was of the view that in order to implement fully the policy of protection against retaliation, as set out in Secretary-General's bulletin ST/SGB/2005/21, an investigation was necessary in order to allow the Administration to discharge its burden of proof and enable the Organization to take corrective measures, if retaliation was then established. An opinion from the Office of Legal Affairs confirmed that, based upon the above-mentioned Assembly resolution, OIOS did have the discretionary authority to decide whether or not to investigate a matter and could not be compelled to investigate a case referred by the Ethics Office, even though the Secretary-General has, by the issuance of ST/SGB/2005/21, mandated OIOS to conduct an investigation. This is a matter that needs to be addressed by the Organization.

IV. United Nations Ethics Committee

67. The United Nations Ethics Committee was established in January 2008 by Secretary-General's bulletin ST/SGB/2007/11 entitled "United Nations system-wide application of ethics: separately administered organs and programmes". The main responsibilities of the Committee are to establish a unified set of ethical standards and policies of the United Nations Secretariat and of the separately administered organs and programmes, and to consult on certain important and particularly complex cases and issues having United Nations-wide implications raised by any ethics office or the Chairperson of the Ethics Committee.

68. Consisting of the heads of the ethics offices of the separately administered organs and programmes of the United Nations and the Ethics Office of the United Nations Secretariat, as at 31 July 2009, membership of the United Nations Ethics Committee includes the following entities: the Ethics Office, UNDP, UNICEF, UNFPA, UNOPS, WFP, UNRWA and UNHCR. The United Nations Institute for Disarmament Research, the United Nations Research Institute for Social Development, and the United Nations Interregional Crime and Justice Research Institute officially requested the Ethics Office to deliver ethics functions regarding their staff.

69. The Committee is chaired by the Director of the Ethics Office of the United Nations Secretariat, who provides functional leadership to all Ethics Officers of the separately administered organs and programmes, in order to promote the building and developing of capacity, including adequate levels of professionally qualified resources, and to ensure adherence to consistent methodology in the delivery of

ethics-related services (see Secretary-General's bulletin ST/SGB/2007/11, sections 2.3 and 5.1).

70. During the period from August 2008 to July 2009, the United Nations Ethics Committee met in eight sessions, both at United Nations Headquarters and at the offices of the United Nations funds and programmes.

71. During the reporting period, the key priority for the Committee was to provide substantive and technical support to the Secretary-General in the development of a system-wide Code of Ethics for United Nations personnel, mandated by the General Assembly in resolution 60/1, paragraph 161 (d), on the 2005 World Summit Outcome and in resolution 60/254, paragraph 16 (a). The draft system-wide code of ethics has been formulated as a values-based framework built upon the purposes, values and principles espoused in the Charter of the United Nations, in applicable staff regulations and rules, as well as in the Standard of Conduct for the International Civil Service. In August 2008, the Secretary-General initiated a process of broad system-wide consultation on the draft code, which involved staff and management of the United Nations Secretariat, funds, programmes and specialized agencies, as well as staff representative bodies and the International Civil Service Commission. The comments and suggestions received from the consultation were thoroughly reviewed by the United Nations Ethics Committee who met in two sessions to revise and subsequently finalize the draft code for the consideration by the Secretary-General in February 2009. Details of the process of developing the Code of Ethics are provided in section V of the present report.

72. The United Nations Ethics Committee has exchanged information on policy development and implementation with a view to fostering a coherent approach in the application of ethical standards and policies in the United Nations. In addition to the development of the system-wide Code of Ethics, the Committee set the following priorities for its work in 2009: (a) review and harmonization of policies on protection against retaliation; (b) core ethics training; (c) coherence and coordination of financial disclosure programmes; (d) public information and outreach strategy; and (e) review of annual reports due to be submitted in 2009.

73. The United Nations Ethics Committee undertook a review of policies of member organizations on protection against retaliation, with a view to bridging gaps and ensuring coherence in their application. Research was conducted, for the purposes of building references and lessons, on protection policies of other United Nations entities, public international institutions and national Governments. Following thorough deliberations and building upon practical experience, the Committee agreed on the core elements necessary for an effective policy on protection against retaliation. Subsequently, the Committee developed a draft policy framework, within which member organizations could develop, define or refine their own policies. The draft policy has been under review by the Committee.

74. The Committee continued to devote much attention to ethics training during the reporting period. It reviewed the existing online ethics training programmes available in the member organizations with a view to defining core ethics training and considering practical alternatives for those that have not yet developed their own ethics training programmes due to budgetary constraints. In response to the need for certification of online ethics training in some organizations, efforts have been made by the Secretariat towards making technical adjustments to its mandatory

online training "Integrity awareness initiative" to allow for certification of users who are not staff of the Secretariat.

75. The Committee regularly exchanged views regarding the implementation of the policy on financial disclosure in member organizations to enhance coherence. Furthermore, with the agreement of Committee members, the Chairperson of the Committee recommended to the executive heads of UNDP, UNFPA and UNICEF that from the 2009 filing cycle onwards, all the staff of the ethics offices of their respective organizations file financial disclosure statements with the same entity that reviews the financial disclosure statements of the staff of the Ethics Office of the United Nations Secretariat. This recommendation has been fully implemented.

76. The United Nations Ethics Committee has been consulted by the Chairperson on cases from individual staff members of separately administered organs and programmes. These staff members requested a review of their cases by the Chairperson of the Committee under the terms of section 4.3 of Secretary-General's bulletin ST/SGB/2007/11, regarding allegations of retaliation for reporting misconduct or cooperating with duly authorized audits or investigations. During the period from 1 August 2008 to 31 July 2009, two cases were referred to the Chairperson of the Committee. In the first case, following consultation with the Ethics Committee, the Chairperson decided not to proceed to undertake an independent review. In the second case, on the basis of the information made available by the complainant, the Chairperson concurred with the conclusion of the ethics office of the concerned programme and consequently decided not to proceed with any further review.

77. Pursuant to section 5.4 of Secretary-General's bulletin ST/SGB/2007/11 regarding the review by the Committee of annual reports of the Ethics Offices of the United Nations Secretariat and the separately administered organs and programmes, during the current reporting period, the Committee considered the reports of the Ethics Offices of UNDP, UNFPA and the United Nations Secretariat.

78. In his report to the General Assembly at its sixty-third session (A/63/301), the Secretary-General recommended that in order for standards of ethics and integrity to be applied coherently and to enhance system-wide synergy, the Assembly encourage United Nations specialized agencies and other interested entities to engage themselves in the United Nations Ethics Committee on a broad basis and through an open mechanism. In response, the Assembly, in its resolution 63/250 on Human resources management, requested the Secretary-General to discuss with the executive heads of the specialized agencies, funds and programmes, within the framework of the United Nations System Chief Executives Board for Coordination (CEB), areas of possible cooperation and cost savings on ethics-related matters. Several specialized agencies have expressed their interest in participating in the United Nations Committee, and/or in having the Ethics Office of the United Nations Secretariat deliver the ethics functions for their agencies on a cost-sharing basis. The United Nations Ethics Committee has deliberated on various options with a view to bringing the process forward and facilitating effective system-wide participation.

V. System-wide Code of Ethics for United Nations personnel

79. As indicated in paragraph 71 of the present report, the General Assembly, in its resolutions 60/1 and 60/254, urged the Secretary-General to develop and finalize a system-wide Code of Ethics for United Nations personnel. Further, in resolution 63/250 on human resources management, section XII.5, the Assembly requested the Secretary-General to include in his report on the activities of the Ethics Office, information on the activities of the Ethics Committee, including a review of any complex ethics issues dealt with by the Committee, if deemed relevant. Accordingly, it is the intent of the Secretary-General to report on the process of developing the system-wide code of ethics for United Nations personnel and to submit the Code of Ethics, as contained in the annex to the present report, to the Assembly at its sixty-fourth session, for its endorsement.

80. The United Nations Ethics Committee assisted in preparing the draft system-wide Code of Ethics for United Nations personnel. The Code of Ethics is written as a short, concise statement of the core values and principles as espoused in the Charter of the United Nations, such as independence, loyalty, impartiality and integrity, to guide conduct and behaviour of United Nations personnel. It is meant to be values-based and aspirational in nature, instead of being rules-based and disciplinary.

81. The Code of Ethics as it stands now contains 12 core values and principles. These high-level values and principles are to be found in applicable staff regulations and rules, as well as the Standards of Conduct for the International Civil Service which set out specific standards of conduct, representing the Organization's interpretation of its core values and principles. The Code of Ethics is not meant to be legally binding or provide sanctions for breaches. Such sanctions are found in applicable staff regulations and rules.

82. In the process of developing the Code of Ethics, careful consideration was given in relation to existing codes of ethics and codes of conduct applicable to national public service in countries around the world in terms of geographical location, socio-economic development level and political systems, as well as those adopted by private sector businesses, professional associations and international institutions. Consideration was also given to the different systems and approaches to ethics and integrity as well as to lessons learned.

83. The Secretary-General initiated a system-wide consultation process on the draft code in August 2008, which encompassed management and staff of the global Secretariat; of the funds and programmes and specialized agencies, as well as the three staff representative bodies, namely the Coordinating Committee for International Staff Unions and Associations of the United Nations System (CCISUA), the Federation of International Civil Servants' Associations (FICSA), the United Nations Civil Servants Federation and ICSC. During this process, the Secretary-General communicated with the individual heads of the funds, programmes and specialized agencies and other entities to request comments and suggestions. As at the end of November 2008, feedback had been received from 34 entities within the United Nations system. This included responses from 13 departments/offices within the global Secretariat; eight United Nations funds and programmes; nine specialized agencies; three staff representative bodies; and ICSC.

84. The United Nations Ethics Committee thoroughly reviewed all the comments and suggestions and submitted the revised draft code to the Secretary-General for his approval in February 2009. The Secretary-General communicated the approved text of the draft code to the members of CEB on 30 March 2009 and clearly indicated his desire that the specialized agencies consider using the Code of Ethics as a common guide in promoting ethical values and standards in their own organizations, in the spirit of "delivering as one".

85. Consideration and endorsement by the General Assembly will ensure that the governing body of the United Nations has clearly set out the core values and principles to guide the conduct and behaviour of United Nations personnel.

VI. Conclusion and recommendations

86. After more than three years in operation, the Ethics Office continued to assert its relevance and its role in fostering a culture of ethics, integrity and accountability within the United Nations while fulfilling its growing mandated responsibilities and overcoming budgetary and staff constraints.

87. The United Nations Ethics Committee has proved itself to be a useful mechanism to ensure a coherent application of ethics standards and enhance synergy within the United Nations, as demonstrated in the process of developing the system-wide Code of Ethics for United Nations personnel and harmonizing ethics-related policies and practices during the reporting period.

88. **The Secretary-General hereby submits the system-wide Code of Ethics for United Nations personnel, of which the full text is contained in the annex to the present report, to the General Assembly for its consideration and endorsement.**

Annex

Code of Ethics for United Nations Personnel

Preamble

Reaffirming the purposes, values and principles of the United Nations, as enshrined in its Charter, and the importance for the United Nations of securing the highest standards of efficiency, competence and integrity;

Pursuant to paragraph 161 of the 2005 World Summit Outcome document[1] urging the Secretary-General to scrupulously apply the existing standards of conduct and develop a system-wide code of ethics for all United Nations personnel;

Recognizing that it is imperative for the United Nations to cultivate and nurture a culture of ethics, integrity and accountability and thereby enhance the trust in, and the credibility of, the United Nations;

Reaffirming the Standards of Conduct for the International Civil Service as well as standards of conduct provided for in the relevant Staff Regulations and Rules and other relevant issuances of the United Nations;

The present Code of Ethics sets out the values and principles to guide the conduct and behaviour of United Nations personnel.

Values

Independence

United Nations personnel shall maintain their independence and shall not seek or receive instructions from any Government or from any other person or entity external to the United Nations and shall refrain from any action which might reflect negatively on their position as United Nations personnel responsible only to the United Nations.

Loyalty

Loyalty to the purposes, values and principles of the United Nations is a fundamental obligation of all United Nations personnel. They shall be loyal to the United Nations and shall, at all times, discharge their functions and regulate their conduct with the interests of the United Nations only in view.

Impartiality

United Nations personnel, in the performance of their official duties, shall always act with impartiality, objectivity and professionalism. They shall ensure that expression of personal views and convictions does not compromise or appear to compromise the performance of their official duties or the interests of the United Nations. They shall not act in a way that unjustifiably could lead to actual or perceived preferential treatment for or against particular individuals, groups or interests.

[1] See General Assembly resolution 60/1.

Integrity

United Nations personnel shall maintain the highest standards of integrity, including honesty, truthfulness, fairness and incorruptibility, in all matters affecting their official duties and the interests of the United Nations.

Accountability

United Nations personnel shall be accountable for the proper discharge of their functions and for their decisions and actions. In fulfilling their official duties and responsibilities, United Nations personnel shall make decisions in the interests of the United Nations. They shall submit themselves to scrutiny as required by their position.

Respect for human rights

United Nations personnel shall fully respect the human rights, dignity and worth of all persons and shall act with understanding, tolerance, sensitivity and respect for diversity and without discrimination of any kind.

Principles

Conflict of interest

United Nations personnel shall arrange their private interests in a manner that will prevent actual, potential or apparent conflicts of interest from arising, but if such a conflict does arise between their private interests and their official duties and responsibilities, the conflict shall be disclosed and resolved in favour of the interests of the United Nations.

Abuse of authority

United Nations personnel shall not use the authority entrusted to them, in particular by taking advantage of colleagues, beneficiaries or other individuals or groups, for financial, political, sexual or other gain.

Gifts, honours, favours or other benefits

United Nations personnel shall not solicit or accept gifts, honours, favours and/or other benefits from sources external to the United Nations that may bring into question their independence, impartiality and integrity, unless the acceptance of such gifts, honours, favours and/or other benefits is pursuant to applicable policies and regulations.

United Nations resources

United Nations personnel shall only use or allow the use of the resources of the United Nations, directly or indirectly, including its property, for authorized purposes.

Confidentiality of information

United Nations personnel shall not use information that is not generally available to the public for private gain, financial or otherwise, to benefit themselves or others

with whom they have personal, family or other ties, nor shall they disclose such information to the public without authorization. That duty continues to apply after the expiration of their service with the United Nations.

Post-employment

United Nations personnel shall not act in such a manner as to take improper advantage of their official functions and positions, including privileged information obtained from such functions and positions, when seeking employment or appointment after leaving their service with the United Nations.

Administration of the Code

The present Code of Ethics will be applicable to all United Nations personnel.

For the purposes of this Code, United Nations personnel includes United Nations staff and related personnel, such as United Nations Volunteers; personnel or employees of non-United Nations entities or individuals who have entered into a cooperative arrangement with the United Nations (including interns, international and local consultants as well as individual and corporate contractors); experts on mission, including United Nations police officers; and members of national formed police units, corrections officers, military observers and military members of national contingents serving in United Nations peacekeeping missions.

The values and principles contained in the present Code of Ethics shall be reflected in the applicable standards of conduct provided for in the relevant staff regulations and rules and other relevant issuances of the United Nations, including the obligation to report any breach of the Organization's regulations and rules to the officials whose responsibility it is to take appropriate action.

The present Code of Ethics shall enter into effect on ... (*date/month/year*).